The American Political Science Review

VOL. XXXVI FEBRUARY, 1942 NO. 1

AMERICAN DEMOCRACY—AFTER WAR*

FREDERIC A. OGG
University of Wisconsin

I

More than once in its history, the American Political Science Association has met in a period of national emergency. Our Philadelphia gathering of 1917 (the thirteenth in the series) found the country occupied with a major conflict overseas for which it still was arduously preparing more than eight months after the declaration of a state of war by the Congress. Our Detroit meeting of 1932 (the twenty-eighth, and one of the most thinly attended in a decade) took place at a time when two and a quarter years of industrial depression and social disintegration had cast a pall of pessimism and despair over a national scene so recently—and so deceptively—effulgent, and when there was much shaking of heads over the outlook for our entire political and economic system. Twenty-three years ago this week, indeed, the continuity of our annual conventions was broken by the omission altogether of a meeting which was to have been held in Cleveland, a request having been made by our own sixth president—then in the White House—that railroads groaning under the task of transporting fifty thousand tons of supplies every twenty-four hours for the use of two million soldiers in France (even though no longer actually fighting when our meeting-time came round) should not be burdened with carrying people to gatherings that could be dispensed with or postponed.

This New York meeting of 1941 finds the nation once more in an emergency—and not merely the "unlimited emergency" proclaimed by the President last May, but, since that fateful Sunday

* Presidential address delivered before the American Political Science Association at its thirty-seventh annual meeting, New York City, December 29, 1941.

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of three weeks ago, emergency in the form of immediate and total war. We have not been asked to change our plans for the present gathering; and we may hope that the contributions capable of being made by learned and professional societies to the prosecution of war-time activities, to the maintenance of civilian and military morale, and to the constructive thinking that must go into the framing and organizing of a just and durable peace will seem sufficient to justify bringing our members together in future with the customary frequency as a useful part of the national effort. But all of us know that this *may* prove our last meeting for some time to come.

We meet amid war-time emergency because the high hopes entertained (shortsightedly, as we now can see) when our 1918 meeting was sacrificed to national exigency—when Woodrow Wilson, in London, during the very week we were to have assembled, was telling the Lord Mayor that no such "sudden and potent union of purpose" to build a new and better world order had ever been witnessed—we meet amid emergency, I say, because the high hopes then entertained failed dismally to be realized. It is not my purpose to enter into the reasons why they failed. Mountains of books and articles and documents on that subject have accumulated; and there will be more mountains. The ugly fact simply is that, despite efforts well-meant, and because of others not so well meant, the years in which this Association has been growing to maturity have been a sorry period in human history, and that as we assemble here tonight the world is getting well into a second successive decade of stark tragedy. In the decade beginning in 1929, we saw, no longer the dazzling "prosperity," the streamlined progress, of the "roaring twenties," but instead financial panic, industrial stagnation, strangulation of international trade, the flaunting of strange and brazen ideologies, the deterioration and collapse of democratic governments, the rape of China, Ethiopia, Austria, and Czechoslovakia, the withering of the League of Nations, the approach of Armageddon. A year ago, with the devasting thirties giving way to the terrifying forties, war had spread to five of the six continents; more than half of the world's two billion inhabitants were living in a state of undeclared but actual belligerency; totalitarianism was riding high; half a dozen more democracies had gone down (including one that free men had thought an impregnable bulwark); the

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then president of this Association, my lamented predecessor, was discussing for us the "world revolution of 1940," hopefully speculating as to whether—on the theory that a revolution is not a revolution until it succeeds—the term might not in the end prove a misnomer. However that might be, there was no denying that we were living perilously in a world that, for the time being at least, had widely abandoned reason for force, freedom for compulsion, civilization for barbarism.

But our situation tonight is still more hazardous. A war that for more than two years has marched from crescendo to crescendo, from climax to climax—that has pulled down dynasties, destroyed nations, uprooted millions of unoffending people, changed the political, economic, and social face of Europe, and ended forever the world in which we lived—no longer merely is (as I wrote a few short weeks ago) so close upon us that its hot breath can be felt upon our tightening muscles and straining sinews, but has actually overtaken us. Our situation indeed appears worse; and yet it perhaps is really better, in that the attack so treacherously launched against us has sharpened our conviction, intensified our determination, whetted our courage, heightened our unity of spirit and purpose, and hastened the day when our national safety can be reëstablished and the values of our Western civilization again made secure.

The dominant theme of the meeting in which we are engaged is the defense (now become the *war*) effort of the United States in this dangerous hour; and in pursuance of it, round-tables and section conferences are busily discussing defense administration, war financing, problems of defense economy, civil-military relations in a democracy, the grand strategy of national defense, and (hopefully) the organization of peace. Without presuming to synthesize papers that I have not read and discussions that I have not heard, I may perhaps allude for a moment to a disturbing theory abroad among us that our American civilization is foredoomed by the world crisis to basic deterioration, and afterwards call attention (if it be not watering a garden in the midst of rain) to two or three problems that will in any case confront our country later on—I will not say after the crisis has passed, for, unhappily, the crisis will not be over when the shooting ceases—but at any rate after our national energies can again be turned to something other than the demands of war.

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II

The notion that our American civilization is destined to devastating change stems from a concept of the world crisis best presented in a book that to my mind is one of the most significant of the year—*The Crisis of Our Age*, by the Russian-born but American-adopted sociologist, Pitirim Sorokin of Harvard.[1] Time fails in which even to epitomize Sorokin's argument. But it comes closer to putting the scrambled pieces of our contemporary civilization into an understandable pattern (whether ultimately the true one or not) than any other that I know. It is a little less dismal than Oswald Spengler's organismic interpretation of a few years ago, to the effect that every culture is mortal; that, having reached maturity, a culture declines and dies; that the crisis of these latter years constitutes the death agony of Western culture and society; and that there is no palliative or cure.[2] What Sorokin tells us is that, just as the *ideational* culture characteristic of the Middle Ages, based on the principle of a supersensory and superrational God as the only true reality and value, gave way between the thirteenth and sixteenth centuries to a *sensate* culture, based on the notion that all true reality and value are sensory, empirical, and "this-worldly," so the sensate culture of these last four hundred years, which has produced many fine things (including the entire contractual, as opposed to the compulsory, basis of government), but which has always contained the seeds of its own destruction, is breaking up—is, indeed, already gone in most of Continental Europe—while the world waits, in blood and tears, to find what is going to take its place. And it is Sorokin's idea that, while a new and perhaps better culture will gradually emerge, and a culture in which will survive at least some portions of that which is best in the now dying form, the world is destined in the meantime—and perhaps for a rather long time—to be convulsed by war and revolution which no new League of Nations, Federation of Europe, or Union Now, nor indeed any other hopefully devised contrivance of man, can avert.

From this cosmic transition, we are told—and this is what makes the theory pertinent here—not even the surviving democracies will be exempt; on the contrary, they (including the United States)

[1] Pitirim A. Sorokin, *The Crisis of Our Age* (New York, 1941). Happily, this work is relatively free from the jargon of pseudo-scientific terms which handicapped the author's earlier *Social and Cultural Dynamics*, 4 vols. (New York, 1937 ff.)

[2] Oswald Spengler, *The Decline of the West*, 2 vols. (New York, 1926–28).

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already show, in slower tempo, the same general tendencies that at the last developed so rapidly (starting also at a more advanced point) in post-World War Italy and Germany. The capitalist system (principal embodiment of contractualism in the economic realm) is said to be passing; *political* contractualism, as evidenced in constitutions, elections, and guaranteed freedoms, is giving way to growing coercion and regimentation. In the United States, the tempo has accelerated sharply since 1929, the depression preparing the way and the New Deal following up the advantage. The defense effort, say those who accept the theory, has been stepping up the transition; the war now started will throw it into still higher speed; troubles to follow military and economic demobilization will keep the tendency going. In spite of themselves, both Britain and the United States are heading, for a prolonged transitional period, if not permanently, into an order of things so appallingly similar to totalitarianism that any one of us may well shudder to contemplate it. A variation on the theme, envisaging the same eclipse of representative institutions, but through different processes, is supplied by Mr. James Burnham in his view that, with capitalism doomed, and with the instrumentalities of production and distribution owned and held by the state, there will arise, even among us, an order under which control will lie, not with the supreme and absolutistic political executive anticipated in the foregoing interpretation, but with production executives, administrative engineers, supervisory technicians, plant coördinators, government bureau heads and commissioners and administrators—in brief, with economic and political "managers," fusing into a professional oligarchy and riding into full power as the heralded "managerial revolution" reaches its culminating stages.[3]

Who can say which, if any, of these transition-of-culture interpretations, as applied even to Europe, is correct? For the Spengler view, it can be adduced that, after all, great cultures have emerged, flourished, decayed, and perished. For the Sorokin theory, it can be cited that we are at this moment witnessing a mortal combat between a contractual, democratic, capitalist culture-pattern, or order, on the one hand, and, on the other, a Nazi-Fascist culture-pattern, rejecting freedom, denying equality, spurning free enterprise—an order seeking to deflect and stop the normal evolution of

[3] James Burnham, *The Managerial Revolution; What Is Happening in the World* (New York, 1941).

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the democratic, capitalist system by throwing the switch and sending all the best that we have gained in the last two or three hundred years to its doom. For the Burnham interpretation, it can be said that, with the rise and extraordinary growth of corporation and trust economy, under which the millions of small stockholders and bondholders neither manage nor use nor dispose of the huge property interests involved, the capitalist system, as our fathers knew it, is at least being transformed before our eyes into something different, and that to some extent political, as well as economic, controls *are* passing into the hands of people termed in the Burnham cosmology the "managers."

Of one thing we may be sure, namely, that, despite Atlantic and Pacific oceans, the relative youth of our nation, and strong traditions of separatism, whatever is really taking place elsewhere permanently and fatefully involves the United States. Allowing for secondary differences, there is, at bottom, but one Euro-American or Western culture; and whatever happens to it in Britain or France or Germany is more than likely, in the long run, to happen to it here. Politically, the United States would not long endure as a mere "island of democracy" in a totalitarian world; economically, we could not long maintain free enterprise if the rest of the earth were to give it up. There are no more tight compartments in the world—no significant European metabolisms that may not become American metabolisms as well. And we are pouring out our billions not merely for protection of our territory, our freedom on the seas, our right to trade, our liberty of action generally, but, more basically, for defense of our share in a form of culture which, if it permanently perishes abroad, will carry down with it, in time, all our own richer heritages, achievements, and values.

Of this, too, we may be certain, that, whether or not the crisis is carrying us along the dimly lighted corridors of time to a culture-pattern of a wholly different sort, it indubitably is precipitating us into a future about which the one thing positively known is that it will be different from the past. Even if history ever repeated itself, it would falter now. Government, industry, trade, finance, technology—none will be back where it was, after the "wave of the future" shall, as we confidently expect, have become a "wave of the past." All of us will be like Thomas Wolfe's hero—"we can't go home again." In any event, it is the future that is going to matter—who is to build it, of what stuff it is to be made, what

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shall be its quality, and what the upshot; and even though its shape be now concealed from us, students and teachers of political science today must more than ever project their thinking and teaching into its unfolding reaches. No less truly today than when Professor Beard reminded us of the fact in his presidential address of fifteen years ago, it is in the substance of the approaching years that those whom we teach and for whom we write must work, rather than in the ashes of yesterday.[4]

III

I emphasize this reorientation toward the future because, whether or not we accept for America any one of the somber interpretations to which I have earlier alluded, we still must concede that at few, if any, periods in its history has our nation been confronted with such a galaxy of flaming question marks as will overarch the road ahead when our war effort shall have ended. Out of the blinding array of interrogations, I select three for a word of comment. And the first one is: Toward what kind of a government are we being borne by the hurrying tide of affairs? I am assuming that our government will still be our own, and not one imposed upon us. But even so, what will be its nature? The question is, of course, as old as Hamilton and his Bank and Jefferson and his Kentucky Resolutions. But it is also as new as SEC and OPM; and the position in which the nation will find itself when defense and war shall have been demobilized gives it the poignancy of a cosmic challenge.

It would be futile to undertake to portray a coming national situation which admittedly, since the outbreak of war, is more than ever speculative. But we at least can depend upon this: that we shall have "big government" functioning in a big way—more power wielded by public authority than ever before (except perhaps momentarily in 1933), a more colossal mechanism of controls, a more numerous bureaucracy, an economy more completely underpinned by government initiative, participation, and support. Despite all effort to cushion the shock of military and economic demobilization—indeed, as part of that effort—heavy deficit spending by the

[4] Charles A. Beard, "Time, Technology, and the Creative Spirit in Political Science," in this REVIEW, Vol. 21, p. 4 (Feb., 1927). Other recent wide-ranging interpretations of the world of today in relation to the future include Gustav Stolper, *This Age of Fable* (New York, 1941); W. H. Chamberlin, *The World's Iron Age* (New York, 1941); and, especially for Great Britain, Harold J. Laski, *Where Do We Go from Here?* (New York, 1940).

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national government, inviting a continuing expansion, concentration, and intensification of public controls, will be unavoidable. And these controls may be expected to go on expressing themselves through executive decision and ordinance, and through administrative management, lately so characteristic of them. Does this mean that government is henceforth going to press down its authority more heavily on the people, while more and more escaping restraint and responsibility through the traditional democratic processes? Does it mean that for us the days of free contractualism are indeed numbered? There are those (including serious scholars as well as partisan calamity-howlers) who tell us so—who allege, in fact, that precisely such a development was coming fast, even before defense and war; and the picture of executive usurpation, devitalized democratic processes, regimented economic life, which they draw is truly depressing.

I doubt whether we are in genuine danger at this point. Truly enough, our political system is in transition. But, in the first place, it would hardly be healthy if it were not so. And in the second place, on close analysis, this transition appears to be on lines not incompatible with democracy properly understood, but rather in fulfillment of it. What we are beholding, to the alarm of some, is a progression of necessary and inevitable readaptations of our governmental system, in the light of both peace-time and war-time experience, in directions made possible and essential by technology, and under the imperatives of newer economic and social conditions. It has become necessary to reopen many old questions, and often to accept new answers. Does strong government necessarily mean undemocratic government? We know now that it does not. Does democratic government mean inefficient government? We know now that it need not. Should the levels of government be kept strictly apart? We know now that they should not. Is it wise, or possible, to adhere rigidly to functional separation of powers? We know now that it is not. Is it the business of government to concern itself broadly with social security and social justice? We now believe that it is. As for our governmental machinery, it, as Professor Merriam has lately remarked,[5] is in process of being streamlined to the newer conditions and ideas of our age. It is going to require a good deal more streamlining. And one of the most whole-

[5] Charles E. Merriam, *On the Agenda of Democracy* (Cambridge, Mass., 1941), p. 26.

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some things that has been happening has been (despite the false inferences drawn in some quarters) the progressive clarification and integration of the hitherto suspect and nebulous position of the executive in a well-ordered polity, when tasks of government and demands for government services have grown to their present proportions. In my own judgment, what we have chiefly to fear, after the present national exaltation shall have spent itself, is, not so much concentration and abuse of executive powers, or of government controls in general, as rather a let-down like that of twenty years ago, when a country grown weary of Aristides the Just surrendered to crass reaction against the Wilsonian régime.

IV

Another major question, as we look toward the future, is that of whether democracy—which, with all its imperfections, has been generally successful in America as a purely political device—can be made at least equally pervasive and effective in the domain of socio-economic relations.[6] In the fertile eighteenth century of its birth, and well down into the succeeding century, democracy was almost exclusively a political concept; it denoted popular sovereignty, the right of revolution, the right of at least some substantial portion of the people to share in the control of government. Paralleling it in the economic realm was the individualism and *laissez-faire* of the Classical Economists, the very essence of which, however, was the absence of governmental participation and direction. The two concepts did not ripen concurrently by sheer accident; on the contrary, they were interrelated: exponents of free enterprise based on private property were also bearers of the democratic idea, as evidenced by the circumstances attending extension of the suffrage in England and parallel developments in the American states between 1815 and 1850. Nevertheless, the two ideals were separate, in the sense that political democracy commonly left economic life to operate and unfold under its own power and in obedience to its own forces and principles.

With, however, industrialism and concentrated economic power attaining their later levels, economic individualism and *laissez-faire*—despite efforts of the economists to invest them with the quality of timelessness and the halo of perfection—broke down; and

[6] This problem is discussed most recently and fully in Lewis L. Lorwin, *Economic Consequences of the Second World War* (New York, 1941).

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today they stand discredited, never (so far as we can see) to be rehabilitated. Their collapse was signalized and accelerated by a broadening of the concept of democracy to embrace regulation by government of economic processes and relationships in the interest of democracy's prime objective, the public well-being. The English Factory Acts of the thirties and forties, limiting the freedom of employers and protecting workers against the harsher effects of machine industrialism, heralded the new order; and by a long progression afterwards, democracy—impelled by the surge of new social ideals and imperatives, and hurried along by the impacts of technology—has widened into a multilateral principle of politico-socio-economic relations—in fact, a whole synthesized philosophy of such relations—receiving fullest expression, perhaps, in the ill-fated constitutions of post-World War Europe and in the partially realized program of the New Deal in our own country.

Democratic government now has prime responsibility in connection, not merely with police and taxation and diplomacy, but with agriculture, industrial production, transportation, communications, trade, banking, insurance, education, conservation, sanitation and health; while to the traditional charter of civil liberties which it is expected to implement has been added a new and multifold bill of rights—utterly transcending the limits of the political, and embracing such startling items as the right to profitable and useful employment, the right to a minimum standard of living, the right of the worker through collective bargaining to share in the management of industry, the right to social security, the right to leisure and to opportunity for its satisfying use—a burden of responsibility and a program of action with which no democracy of even a generation ago offers anything to compare. Nor is the end in sight. Men hereafter will rightly expect of democratic government that it lose no opportunity to advance social justice—that it somehow contrive to see to it that the material and spiritual gains of civilization, which will go on and on, are distributed to all. Those who consider that government in this country is today trying to do too much may as well reconcile themselves to the certainty that tomorrow it will do more.

Measured by the clock of human existence, democracy is still youthful and experimental. Simply as a *political* device, it will require more time—a good deal more—for achieving its possibilities. More and more, however, its success is contingent—here in the

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United States no less than elsewhere—on its capacity for providing and guaranteeing a workable socio-economic basis for the satisfactory life—a service which, if it had been performed in Continental Europe, would, I think, have meant no totalitarianism and no war. Here, up to now, is where democracy has encountered many of its most baffling obstacles. And while, in our own country, gains in the past ten years (especially in the matter of social security) have been peculiarly significant, the concentration of economic power on lines which the Temporary National Economic Committee considered dangerous to our democracy, the multiplication of agencies of self-help among the economically weaker members of the community, the tenacity with which groups and classes cling to their asserted rights, the problem of fitting such groups into the democratic pattern, the question of the extent to which government should itself take charge of resolving the difficulties and conflicts of labor and other economic groups, the question of how much farther government should seek, or permit itself, to be drawn into banking and other business, the problem of what to do with an economy that for awhile plunges forward and then sputters and stops, of what to do about our forty million people sub-normal because ill-fed and lacking proper medical care—all of these are socio-economic challenges which our democracy will have to face in post-war days. Right-wing and left-wing critics of representative institutions rose to power in Europe because they convinced enough restless men and women that no adequate and lasting answers to such challenges could be expected from popular government. In days to come, our cherished system of free enterprise tempered and disciplined by government regulation will continue under fire from similar directions. And we as political scientists will serve the interests of the nation in no way more effectively than by turning our best thought to this unquestionably most difficult domestic problem on the long-term American scene—the relations of government and socio-economic life in the more symmetrically developed democracy that we hope to achieve.

V

One other domain in which democracy has faltered, but in which it must vindicate itself if it is to live, is international relations. It is sometimes forgotten that eighteenth-century democracy started off with the avowed purpose of bringing the world not only liberty

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but peace; and it is no fortuitous circumstance that the early democratic movement was fertile in ideas concerning the abolition of war, or that the French Revolution led, in its later stages, to a conception of European federation not far removed from some that find expression at the present day. In its application to international affairs, however, eighteenth- and nineteenth-century democracy had to contend with other ascendant concepts of the time, namely, national self-determination and national sovereignty, both highly provocative of friction and war; and the contest was never waged on equal terms. To be sure, there were mollifying influences. One such was the mid-century Cobdenite idea of free trade, which John Stuart Mill fondly believed to be rendering war a thing of the past; another was the tolerant, cultural, cosmopolitan liberalism that went along with nationalism in the thought of leaders like Mazzini. But even at the time, such ameliorating correctives did not guarantee peace; and in the last quarter of the nineteenth century, a more sinister ideology captured the field completely. Capitalism grew nationalistic (as evidenced by the rise of protective tariffs); nationalism grew imperialistic (as evidenced by rampant colonialism); concepts of a democratic world order faded under the scorching sun of "power politics." The consequences are written in letters of blood in the pages of recent history.

Prior to the first World War, there was no dearth of proposals and plans for the sort of a world order that democracy had always presumed. Useful materials for constructing such an order—liberal nationalism and free-trade internationalism—were available, at least in memory. But proposals went the way utopias are supposed to go; and the world order actually existing continued to be such as had sprung casually from decades of adventuring, ambition, rivalry, and war among the peoples of the earth. Nobody had conceived it and planned it and established it. Much progress was made under it; indeed, the world was better off while it lasted than at any time since. But for all that, this fortuitous order was unsound at bottom; and it broke down in war and revolution and economic chaos and social misery.

The greatest lesson learned from the war of twenty-odd years ago was that mankind had finally arrived at a stage where conscious, deliberate direction of international affairs was desirable, necessary, and in the long run unavoidable; and in pursuance of this discovery, we witnessed the first serious attempt to project,

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ordain, and create a world order on a jural basis. The significant thing is, not that the effort failed of eventual success, but that it was made; for it meant that at last men had come by the idea that, in international as in other matters, they might hope to be masters rather than victims of destiny. No nation in 1919—at least no major one—was ready for a genuine League of Nations; perhaps none is ready today. It accords with all experience that even the most advanced democracies should have toyed with the idea long before they were prepared to organize and discipline themselves to carry it out. One essential feature of that preparation would have been a willingness to do away with prohibitive trade barriers and to institute a freer world economy. But not only was such willingness everywhere completely lacking; the League itself was guilty of its most signal failure in neglecting to achieve a positive economic program. Instead, rampant economic nationalism (for which we in this country, with our insistence on a favorable trade balance and our mounting tariffs, were as much responsible as anybody) induced, aggravated, and prolonged the world depression, and after 1930 started the League itself on the downward phase of its history.

And now, as we meet here, the topmost human concern is once again the building of a jural, democratic, workable world order. Democracy is, of course, at some disadvantage in such an undertaking. The "New European Order" of the Nazis, the Japanese "New Order for Eastern Asia," springs from a single source, proceeds according to a simple formula, is authoritatively blue-printed to the last detail, and requires only the sanction of fiat. In democratic countries, there is, and will continue to be, a plethora of proposals, plans, programs, both for Europe and for the world, with anything approaching concensus still far below the horizon. This, of course, is in the democratic tradition; and the most we can hope for is that out of a swirl of competing, freely exchanged ideas will in time emerge—not as a full-orbed and completed structure, but as something substantial with which to start—arrangements oriented to clearer objectives, supported by more realistic perceptions, and animated by firmer resolves than existed in 1919. There will have to be a free world of free states; most or all of these states will have to be linked up in what has been aptly termed a "higher federalism"[7] (not necessarily through the machinery of a reëstab-

[7] Charles E. Merriam, *op. cit.*, p. 59.

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lished and universalized League, but at least through some device or understanding guaranteeing against international anarchy); there will have to be a new economic internationalism, with wider distribution of raw materials and freer arrangements for trade, else we may as well make up our minds to another war after the present one is over; because "if soldiers are not to cross international boundaries, goods must do so." Most of all, there will have to be recognition and acceptance of the fact—so dimly perceived by the creators of the peace machinery of two decades ago—that peace is not simply a negative condition maintaining itself in the absence of war, but that it consists rather in the continuous creation of positive international solidarities.

The United States will have a share in the decisions made. It could hardly have been less than a major share in any case; as matters now stand, it doubtless will be a preponderant share. And the forbearance, farsightedness, and determination which we display in the coming day of decision will test to the full our democratic instincts, attitudes, procedures, and capacities. The rest of the world will be pardoned some slight skepticism concerning our staying power. But in a degree we have atoned for shirking our obligation of leadership on the earlier great occasion of opportunity. Through the paramount part which our country took in belated endeavors in recent years to institute a new economic internationalism—notably through the intelligent and contructive line of policy embodied in Secretary Hull's trade agreements after 1934—we made a good start toward plotting out a more wholesome world order. The effort came too late, and we had insufficient coöperation. But we imparted a slant which it would seem that any improved world order must reflect. Through pronouncements of the President and Secretary of State, epitomized in the "Atlantic Charter" of last August, we have more explicitly projected the main lines of a democratic post-war order than has any other government or people—although, of course, as yet only in terms of principles, which come easy, rather than in those of the political and economic institutions, coming harder, with which the future world democracy will have to be equipped. Through public agencies like the National Resources Planning Board and private ones like the Commission to Study the Organization of Peace, we are to no small extent matching the planning efforts of the totalitarian states, and significantly preparing the way, along with the planners of Britain

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and other democracies, for raising democratic planning procedures and techniques to the international level.

Most important of all, our people at last understand (the events of the past three weeks having supplied the final, clinching argument for those who needed it), not only that a global totalitarian victory would spell disaster for us, but that under the conditions to which technology has brought us no nation can any longer decide for itself whether it will maintain a closed political and economic system; that the United States—across two oceans that have become as ditches, with distance shorn of nearly all its protective value—is inextricably tied to the rest of the world; that no people can long prosper on the misfortunes of others; and that if we want a world order whose cardinal features shall be personal freedom everywhere, economic opportunity and security for all, universal sharing in the gains of civilization, a World New Deal conceived in tolerance and grounded upon essential justice, such an order can be established and kept going only with active and sustained coöperation of the United States.

The test will come when we face the question—and already it looms before us—of whether we are willing to pay the price of such a world order. There will be a price, and it will be high. One small part of it only will be willingness to forego immediate profits and benefits supposedly accruing from an intensified economic nationalism such as we unwisely embarked upon after becoming a creditor nation at the time of the first World War. But surely we shall have paid enough of a price for armed security, and armed victory, to incline us to follow up the investment in whatever ways and to whatever extent may be necessary to assure ourselves and the peoples of the world, if it can be humanly contrived, a dependable promise of decent opportunity to take up again the age-long quest of the finer potentialities of our civilization. "Every war," some one has remarked, "is decided only *after* the war." For America, the great decision may well be, not to become the arsenal of democracy, nor yet to fight on land and sea and in the air, but to discipline her own democracy—after defense, and after *war*—to the end that a resurgent democracy may live throughout the earth. So disciplining it, we may lend fresh meaning to Carl Sandburg's words:

> "Here is America, strong-hearted—
> Keen, aware, alive."

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PARTY MEMBERSHIP IN THE UNITED STATES, I

CLARENCE A. BERDAHL
University of Illinois

In any party system, it would seem of some importance to establish rules and qualifications for membership in the different party groups, in order to bring together those persons, and only those persons, who adhere to the respective party principles. That should be particularly important in a two-party system, where the principles and issues are presumably sharply defined and clearly distinguishable. This matter has received increasing attention during recent years, and the importance of the problem was well stated by the *Chicago Tribune*, in an editorial referring to the Illinois primary campaign of 1938:

"The advantages of party organization and party responsibility have been proved over a long range of political testing, and although the abuses at times seem substantial. If a party is to be recognized as having legal standing, and if it is to make its nominations under the direction of law, there should be, it would seem, some determined qualification of its voters. . . . There shouldn't be a pretence of one thing and a fact of another. If Democrats and Republicans are to have legal standing as such, then Democrats should not make Republican decisions and Republicans should not make Democratic decisions. To permit this is to commit a fraud against the citizens who are trying to make their organization and their decisions according to the prevailing theory of political action and party responsibility."[1]

In a book published in 1918 for the purpose of instructing new women voters in the processes of government, the question was put: "How do you join a party?" The answer given was: "By enrolling to vote in the primaries."[2] This answer suggests the first point with respect to party membership in the United States, namely, that *party membership is generally not distinguished from mere voting affiliation.*[3] Senator Borah (Idaho) made this point when he said:

"Any man who can carry a Republican primary is a Republican. He might believe in free trade, in unconditional membership in the League of Nations, in states' rights, and in every policy that the Democratic party ever advocated; yet, if he carried his Republican primary, he would be a Republican. He might go to the other extreme and believe in the com-

[1] Editorial, "Primaries and Parties," in *Chicago Tribune*, Apr. 23, 1938.

[2] Thompson, *The New Voter*, p. 40.

[3] This point applies particularly to the major parties, minor parties generally having strict membership provisions.

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munistic state, in the dictatorship of the proletariat, in the abolition of private property, and in the extermination of the bourgeoisie; yet, if he carried his Republican primary, he would still be a Republican."[4]

Similarly, when Senator Moses (New Hampshire), who had referred to such Republican insurgents of 1924–25 as Senators Brookhart (Iowa), LaFollette (Wisconsin), Frazier (North Dakota), and others, as "sons of the wild jackass," and had tried to have them read out of the party, became chairman of the Republican Senatorial Committee in 1929, he emphatically denied that his committee would oppose any of these senators in the primaries or would fail to support for election any of them who won in the Republican primaries. "The duty of the Republican Senatorial Campaign Committee," he said, "is to elect and not select senators."[5] In 1934 Senator McNary (Oregon), as the responsible Republican Floor Leader in the Senate, appointed a Senatorial Committee composed of senators from the various Republican factions,[6] and announced that the committee would support all Republican candidates and would not go behind their nominations to determine what faction they represented. "There will be," he said, "no discrimination with respect to the definition of the word Republicanism."[7]

Within the Democratic party, much the same position has been commonly taken by the responsible party leaders. Thus, in 1938, and in spite of President Roosevelt's attempt to "purge" anti-New Deal Democrats by defeating them in the primaries, Senator Brown (Michigan), himself a New Dealer and chairman of the Democratic Senatorial Committee, indicated that it made no difference to his committee what principles a candidate for the Senate believed in, provided only he were labeled a Democrat. "We are going to let the primaries strictly alone," he said. "Our job will be to elect Democratic senators in November. In every case, we are going to do our best to elect the regularly selected party nominee."[8] The Democratic Congressional Committee took the same position in that year, issuing a statement through its executive secretary as follows: "The Democratic National Congressional Committee

[4] Quoted in editorial, "Child of the Sacred Primary," in *New York Times*, May 29, 1923. See also Johnson, *Borah of Idaho*, Chap. 8, "Who Is a Republican?"

[5] *New York Times*, Oct. 27, 1929.

[6] *Conservatives*: Hastings (Del., chairman), Dickinson (Ia., vice-chairman), White (Me.), Barbour (N.J.); *semi-progressives*. Capper (Kans.); *progressives*: Norbeck (S.D.), Steiwer (Ore.), Carey (Wyo.); *radical*: Nye (N.D.).

[7] *New York Times*, Jan. 2, 1934, p. 3, c. 8. [8] *Ibid.*, June 18, 1938, p. 4, c. 3.

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has taken no part in any primary or nominating convention. As soon as any candidate receives the party nomination for Representative in Congress, the Congressional Committee will consider him to be the choice of the [Democratic] voters of the district involved, and the committee will render every possible aid in the campaign to secure his election."[9] Chairman Farley, of the Democratic National Committee, also announced the same view, in a speech at a Democratic dinner in Philadelphia, when he expressed the opinion that struggles and rivalries within a party primary were assets to a party in that they prevented dry rot and decay and required factions or groups to submit themselves to the party members. "The other end of that picture," he went on, "is that the vendetta must end when the nominations have been made. Party loyalty is requisite for party success. Discipline is as necessary in the ranks of a political organization as in the files of an army. As your national chairman, I have announced with all sincerity and without reservations that the national committee is behind every Democratic nominee. That has to be the guiding tenet of every honest Democrat if we are to continue in power in state and nation."[10]

The result of this method of defining party membership by one's vote or by one's success in winning a party nomination, rather than by one's adherence to any particular set of party principles, is to introduce confusion into the party system and to make meaningless the party labels. President Roosevelt justified his attempted purge of Democratic senators in 1938 on this ground.

"In American politics any one can attach himself to a political party whether he believes in its program or not. We hear the phrase 'read out of the party,' but it doesn't mean anything. No one is read out of the Democratic or the Republican party. There are many prominent Democrats today who are heart and soul against everything the Democratic party has stood for since 1932. And those men are still in the party."[11]

[9] *Ibid.*, Sept. 4, 1938, Sec. 1, p. 1, c. 8.

[10] *New York Times*, Oct. 21, 1938, p. 13, c. 2. In 1941, Edward J. Flynn, who succeeded Mr. Farley in 1940 as Democratic National Chairman, said that "those Democrats who support the President are the party members loyal to the principles and platform of their political party," but indicated nevertheless that the question whether Democratic congressmen who opposed the President's policy should be read out of the party "is up to the enrolled voters of the districts." Statement at press conference in Louisville, Ky., Aug. 22, 1941, quoted in *Philadelphia Record*, Aug. 23, 1941, p. 4, c. 7.

[11] Editorial quoted with approval by President Roosevelt at press conference, Aug. 16, 1938. *White House Press Releases*, Aug. 16, 1938. At another press conference a week later, President Roosevelt discussed this matter further, particularly in

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The corresponding situation in the Republican party in the same year (1938) was well indicated by the following apt remarks:

"Reactionary Hooverites hate opportunist Vandenbergians; Progressives despise both the hard-shell conservatives and the soft-shell middle-of-the-roaders. The next Republican national convention will be the most turbulent of its kind ever assembled under one roof. Leaderless and destitute of policy or platform, the divergent groups will pull and haul in all directions. And yet—even if, in their extremity, they choose another inconsequential unknown as they did in '36 for the sacrifice, they will all vote for him on election day. Liberty leaguers and compromisers alike will troop to the polls and solemnly vote the convention's choice."[12]

The confusion in the party system due to the lack of clear definitions or regulations with respect to party membership is further indicated by such incidents as the following: S. Davis Wilson, then a registered Democrat, elected to the mayoralty of Philadelphia in 1935 as a Republican, over John B. Kelley, the Democratic nominee but up to that time a Republican, and Mayor Wilson's support of the Democratic ticket in Philadelphia in 1937; Fiorello H. LaGuardia, elected to Congress several times as a Republican and once as a Socialist, elected mayor of New York City in 1933 as a Republican and Fusionist, reëlected in 1937 as a Republican and American Laborite, registering in 1937 with the American Labor party, but in 1936 and 1940 supporting the Democratic national and state tickets, and again reëlected mayor in 1941 as a Republican, American Laborite, and Fusionist all at once;[12a] Hiram Johnson, reëlected United States senator from California in 1940 after carrying the primaries of the Republican, Democratic, and Progressive parties.[13]

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relation to the Idaho Democratic primary, which he claimed 15,000–20,000 Republicans had entered in order to beat Senator Pope; he said this practice "violated simple political morality," and was entirely contrary to the purpose of the primary system. *New York Times*, Aug. 24, 1938, p. 1, c. 1, p. 13, c. 1.

[12] Remarks of James A. Farley, chairman of the Democratic National Committee, Oct. 20, 1938. *New York Times*, Oct. 21, 1938, p. 13, cc. 2–3. The aptness of these remarks is indicated by the split in the Republican party over Mr. Wendell Willkie and his position on foreign policy, but only after the campaign of 1940 was concluded.

[12a] In connection with the preliminaries to the mayorality campaign of 1941, LaGuardia was referred to by an unfriendly newspaper as an "apostate member" of the Republican party, and by a friendly newspaper as not a "substantial Republican"; both conceded that he would nevertheless win the Republican nomination, as he did. *Chicago Tribune*, July 20, 1941, Pt. 1, p. 14, c. 1; *New York Times*, July 17, 1941, p. 1, c. 1.

[13] "Which of these denominations he is most or least, statistical, historical, or

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It becomes somewhat difficult to characterize with assurance the party designation in these cases, and the situation is well summed up by the following take-off on Alice in Wonderland:

"Alice heard her little friend put down the morning paper and sigh happily. She waited for the good news.

"Do you know, Alice," said the Dormouse, "I can hardly wait for November to come round. I do so want to get a chance to vote for the Democratic candidate for mayor on the Republican ticket."

Alice smiled. "On the Democratic ticket, you mean, dear," she said.

Astonishment was depicted on the face of the Dormouse.

"Alice," she said, "where have you been of late? Don't you know it isn't being done any more? I mean Democrats running on Democratic tickets and Republicans on Republican tickets. If you expect to vote for a mayor of New York next Fall"—

Alice raised her head proudly. "I certainly do expect to do my full duty as a citizen on election day," she said.

"Of course," said the Dormouse. "So you will have a chance to vote for the Democratic candidate on the Republican ticket, or the Republican candidate on the Socialist ticket, or the Socialist candidate on the Prohibition ticket, &c. But it doesn't mean you have to vote a straight ticket, Alice. You can go right down the Democratic column and vote for a Democrat if you find one, and for a couple of good Labor party men, and for the best-dressed man, and your favorite jazz band leader, and against women drinking at bars. And some Chinese people say that Chiang Kai-shek is always running for President of China on the Japanese ticket. So you see how it is."

Alice shrugged her shoulders. "It sounds like a nightmare," she said.

But the Hatter intervened for harmony.

"Alice," he said, "Dormouse only means to say that this is a broad-minded age. Labels are out. As Robbie Burns said, 'A man's a man in any primary.' Who do you think puts Democratic Presidents on the spot? Republicans? Not now any more. Democrats put the finger on Democratic administrations, and Republicans knife Republicans joyfully. It's like that all over the world. You can't tell by the name any more. . . ."

Here the March Hare broke his long silence. "Except for tomato soup and peroxide of hydrogen, of course," he said.

"What about tomato soup and peroxide of hydrogen?" said the Hatter, with just a touch of impatience.

The March Hare was so eager to make his point that he spluttered, "Why, preservatives and contents and inert matter, you know."

Alice and the Hatter could only stare. The March Hare gulped and plunged ahead.

"You know very well how the label on tomato soup must state whether

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philosophical inquiry may determine, if it can. . . . Classed sometimes as a progressive and sometimes as a reactionary, perhaps he is best described as a faithful Johnsonite—and sometimes a decidedly Too Much Johnson." Editorial in *New York Times*, Aug. 29, 1940. In both California and New York, the laws permit a candidate to run under several party designations—as many as he wishes or can secure, but in California on condition that he also wins in the primary of "his own party."

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preservatives or artificial coloring matter, doesn't it? And the label on a peroxide bottle has to say 97 per cent inert matter—namely, water. And you always have to state the alcoholic contents, don't you? So it's odd that people are so particular about tomato soup and canned spinach and beer and not at all about Republicans on a Communist ticket. But if you had a law saying that a Democratic candidate for mayor must have a label saying "Democratic Contents Not Under 23 Per Cent"—

But the little girl had turned impatiently to the Hatter. "I still don't see how persons in politics can jump around so from side to side and forget one day what they said the day before. . . ."[14]

The second point with respect to party membership is that, although there is no clear distinction between actual membership and mere voting affiliation, *there is generally some kind of test to determine the voter's party affiliation.* Such a test is an essential feature of the closed primary, which is used in most of the states,[15] and which means a primary closed to all but those who can prove their bona fide affiliation with the particular party concerned. The test may be strict and difficult to evade, or it may be loose and easy to meet, but there is, in this system, a test of some sort, which presumes that a voter should affiliate only with that party in which he has some genuine interest and that his affiliation should be a matter of public knowledge and subject to challenge.[15a] It is a system, in other words, which permits Republicans to participate in Republican proceedings only, Democrats in Democratic proceedings only, Socialists in Socialist proceedings only, and so forth.

By contrast, the open primary imposes no test of any sort, and it is, under that system, open to any voter to affiliate at will with any party at any time without any questions being raised as to the bona fide character of such affiliation.[15b] Wisconsin was for a long time the only state which used this open primary system, but during more recent years a few other states have adopted it, although still only a very few.[16] It should be clear, however, that even the

[14] "Topics of the Times," in *New York Times*, July 25, 1937, Sec. 4, p. 8E.

[15] Thirty-eight in 1940.

[15a] In Illinois, the voter declares his party affiliation at the primary, and the election judge is required to announce this "in a distinct tone of voice, sufficiently loud to be heard by all persons in the polling place." *Illinois Election Laws* (ed. 1939), p. 152.

[15b] Cf. provision in Minnesota Open Primary Law of 1933: "Every person qualified as a voter may register therein and vote at such primary election. No voter shall be required to declare his party affiliation." *Minnesota Election Laws* (ed. 1934), pp. 40–41 [Sec. 306[.

[16] Eight in 1940: Wis. (1905), Mont. (1913), Minn. (1933), Wash. (1935), Ida. (1937), Mich. (1937), Utah (1937), N.D. (1939). The Washington primary is a hybrid form, explained later.

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open primary is a *party* primary, and requires the voter to choose affiliation with only one party at any one time. It is merely the lack of any test of such affiliation or of public declaration by the voter that makes this primary open rather than closed.[17] This is a point frequently misunderstood, but perfectly evident if the operation of the system is analyzed. Under the Wisconsin open primary, for example, the voter is asked no questions about his party affiliation, but is handed the ballots of all parties, which are separately printed but fastened together; he detaches the ballot of the party with which he desires to affiliate, votes it and drops it in the ballot box, and drops the others in a box for waste ballots. Thus the voter has chosen membership in a particular party, but no one else need know which party it is, and he is free to change his affiliation at any time.[18]

The fact that the open primary is as much a *party* primary as is the closed primary, and assumes a specific party affiliation which is, however, dependent only on the voter's conscience, is even more strikingly evident by the oath required under the open primary system formerly used in Colorado: "I do hereby solemnly swear (or affirm) that I am a qualified voter, that I am a member of and affiliated with one of the political parties represented by ballot at this primary election, and that I will at this election vote only under the ballot and only for the candidates of the political party of which I am a member and with which I am affiliated."[19] Under this system, only independents could be challenged, that is, those voters who

[17] This distinction was amusingly indicated by an irate voter who moved from Wisconsin to Illinois and found himself confronted with the closed primary: "I felt as though the clerk had slapped me in the face when he asked me what do I want to vote, Republican or Democrat? I told him it was none of his business; that I was voting a secret ballot. 'Well,' he said, 'if you want to vote, you will have to declare yourself.' 'Well, you know what I told him? I told him to keep his ballot and go plumb to h---." S.M.P., Letter in *Chicago Tribune*, May 7, 1934, p. 14, c. 6. Cf. present Colorado closed primary law: "If an elector declines to state his party affiliation, he shall not be entitled to vote at said primary election." *Colorado Election Laws* (ed. 1938), p. 48 [sec. 30].

[18] This method is used also in Montana and Michigan; in Minnesota, Idaho, and North Dakota, the various party ballots are printed in separate columns on a single ballot, but the voter is expressly warned that voting with more than one party will invalidate his ballot; in Utah, the various party ballots are similarly printed in separate columns on a single ballot, but perforated, and the voter is required to detach the ballot of the party he has chosen.

[19] *Colorado Compiled Laws, 1921*, p. 1938 [sec. 7542]. (Colorado changed to the closed primary in 1927.) Cf. open primary oath in Montana to same effect. *Montana Election Laws* (ed. 1940), pp. 43, 44.

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professed allegiance to no party; and it should be emphasized that the party primary, whether open or closed, is not intended for independents in politics any more than church organizations are for atheists.[20]

Only in the state of Washington was there adopted, in 1935, a primary system so open that voters are allowed to roam at will among the different parties at the same time, being entitled, for example, to vote at the same primary for a Republican as the nominee for governor, for a Socialist as the nominee for attorney-general, for a Democrat as the nominee for state treasurer, for a Communist as the nominee for sheriff. This is not really the open primary at all, but a hybrid form that defies classification; although called a party primary and carrying party slates and party labels, it comes closer to being actually a nonpartisan primary. Considered as a form of party primary, it becomes impossible to determine whether the officially designated Republican candidate for governor has been nominated by Republicans or by members of other parties —he bears the Republican label and that is all. In that system, there is the complete abandonment of any real distinction between the parties.[20a]

The third point with respect to party membership is that if there is to be any test of such membership or affiliation, *there must be*

[20] The nonpartisan primary, used particularly for municipal and judicial offices, is a development of special interest to independents. The Arizona primary law recognizes this point in a unique manner by providing for separate party ballots for each party, "and also a blank ballot on which there shall be printed only the titles of the offices to be voted for by the electors at the polling place for which the ballot is printed, to be used by nonpartisan voters." *Arizona Election Laws* (ed. 1930), pp. 50–51 [Art. 10, sec. 1281].

[20a] The Washington provision with respect to party affiliation is as follows: "It is expressly declared that the purpose of this act shall be construed so as to allow all properly registered voters to vote for their choice at any primary election, for any candidate for each office, regardless of political affiliation and without a declaration of political faith or adherence on the part of the voter." *Washington General Election Laws* (ed. 1938), p. 36 [sec. 104]. Upon this the following apt comment was made: "At last the political millenium would seem to have been achieved for the independent voter and the party maverick! Not only is the primary so 'open' that he may participate in the nominations of a different party at each succeeding election, but he may even vote for a Republican candidate for the gubernatorial nomination, let us say, and at the same primary vote for a Democratic candidate for the nomination for United States Senator. Thus party affiliation becomes a farce, although the party labels are retained. This law may be a transition from partisan to nonpartisan nominations for all offices, but at the present time it is a most peculiar hybrid." Louise Overacker, in this REVIEW, Vol. 30, pp. 260–261 (Apr., 1936).

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some authority to prescribe what the test shall be. That authority may vary, and has varied from time to time. In the first place, it may be the party itself, acting through some one or other of its organs, which determines what the rules or qualifications shall be with respect to its own membership, just as a church, a labor union, or a literary society determines its own membership. Thus, in 1793, the Democratic Societies, out of which came Jefferson's early Republican party, exercised great care in the admission of new members, required that they be "tried Republicans," provided that no member should be proposed and admitted at the same meeting, presumably in order to permit an examination into his Republicanism, and commonly prescribed an oath, of which the following is a sample:

> "I declare upon my sacred honor that it is the promotion of real and genuine Republicanism, unsullied and uncontaminated with the smallest spark of monarchical or aristocratical principles, which has incited me to wish admission into the Associated Democratic Society of the County of Chittenden [Virginia]. That I have no views but what arise from principles, not men, and that I will use my utmost exertions, in conformity with the constitution and laws of my country, to support the rational and equal rights of man."[21]

For state or local party purposes, a test is sometimes prescribed by the state convention. In 1902, the Democratic state convention of South Carolina prescribed qualifications for membership in the Democratic party of the state and in the local Democratic clubs, substantially as follows: (1) Democrat; (2) twenty-one years of age; (3) white; or (4) Negro who voted for General Hampton for governor in 1876 and for the Democratic ticket continuously since, such action to be sworn to by written statement of ten reputable white men. For the purpose of voting in a Democratic primary, there were additional requirements of a year's residence in the state and sixty days in the county, and a pledge to support the party nominees.[22] In other states, the tests may be prescribed by the respective party state committees. Thus, in Rhode Island, the Republican party committee determines eligibility to vote in Re-

[21] Quoted in Luetscher, *Early Political Machinery in the United States*, p. 47.

[22] *Constitution of the Democratic Party of South Carolina* (adopted May 21, 1902), Art. VI; and *Rules Governing the Membership of Democratic Clubs . . . of South Carolina* (adopted May 21, 1902), esp. Rules 1–2. Text in Macy, *Party Organization and Machinery*, Appendix, pp. 276–277, 280–281. These rules were amended May 16, 1934, but the membership provisions were unchanged.

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publican caucuses, and hence the test of a Republican in that state;[23] while in Oklahoma the Democratic state committee similarly has adopted rules for Democratic membership, although in general terms, as follows: "The Democratic party of the state of Oklahoma consists of those voters who are in accord with the time-honored principles of the Democratic party of the nation and accord support and allegiance to those principles and the nominees of the party in national, state, and local elections."[24]

For national purposes, such tests of membership or affiliation as there are have been prescribed by the respective national committees, which, in issuing the call for the national convention, may determine not only the number of delegates and the method of their selection, but also the qualifications of those who are to participate in the selection of delegates, such prescription amounting to a test of membership. Tests of some sort have, as a matter of fact, been regularly prescribed by the Republican National Committee since the first appearance of that party in 1856, and frequently but not so regularly by the Democratic National Committee for that party. Thus, in 1856, the Republican National Committee, in its call for the first national convention, invited the coöperation of "the people of the United States, without regard to past political differences or divisions, who are opposed to the repeal of the Missouri Compromise, to the policy of the present Administration, to the extension of slavery into the Territories, in favor of the admission of Kansas as a free state, and of restoring the action of the Federal Government to the principles of Washington and Jefferson."[25]

In 1860, this was changed to an appeal to "the Republican electors of the several States, the members of the people's party of Pennsylvania and of the opposition party of New Jersey, and all others who are willing to coöperate with them in support of the candidates which shall there [at the National Convention] be nominated," and who opposed or favored certain policies listed by the

[23] Holcombe, *State Government* (rev. ed.), p. 179. Cf. Florida provision: "The State Executive Committee of each political party may by resolution declare the terms and conditions on which legal electors shall be declared and taken as proper members of such party, and therefore entitled to vote in the primary election herein required to be held, as members of that party. . . . " *Florida Primary Laws* (1935), p. 25 [par. 377].

[24] *Constitution of the Democratic Party of Oklahoma* (adopted July 26, 1921, and amended Feb. 28, 1924), Preamble. Text in Ewing and Dangerfield, *Documentary Source Book in American Government and Politics*, p. 611.

[25] *Proceedings, Republican National Convention, 1856*, p. 14.

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Committee;[26] and in 1864 the test was again changed to "all qualified voters" who desired the maintenance of the Union and the suppression of the Rebellion by vigorous war.[27] Thenceforth the test prescribed for participating with the national Republican party went through various modifications, chiefly in language rather than in substance, but for some time generally including a statement of principles to which the Republican voter should adhere. By 1892 this test had become, however, a very general statement requiring no adherence to any specific policy, but only to "Republican principles"—a test which, with slight changes of phraseology, has been continuously repeated since, in 1940 reading as follows: "The voters of the several States and of Alaska, Hawaii, Puerto Rico, and the Philippine Islands, and the residents of the District of Columbia who are in accord with the principles of the Republican Party, believe in its declaration of policies, and are in sympathy with its aims and purposes."[28]

The Democratic party has been even looser in its requirements, the National Committee making no definition at all of a Democrat or of Democracy during the earlier years, but in 1876 including in its call for the national convention an invitation to "Democratic, Conservative, and other citizens of the United States, irrespective of past political associations, desiring to coöperate with the Democratic party in its present efforts and objects," and then listing a number of charges against the Republican party which such citizens would by inference support.[29] By 1884, this had become changed to "All Democratic conservative citizens of the United States, irrespective of past political associations and differences, who can unite with us in the fight for pure, economical, and constitutional government";[30] it was continued in this form through 1896, was slightly changed in 1900 to include also "reform citizens" and to require belief in "a Republic" and opposition to "the Empire,"[31] and has since been omitted altogether. In other words, there are no qualifications whatever, even of the most general kind, for "joining" or participating with the national Democratic party.

Tests such as the above, as well as no tests at all, suggest a very loose party system, one which allows voters to participate with a particular party who may disagree violently on principles and

[26] *Ibid., 1860*, p. 83. [27] *Ibid., 1864*, p. 175. [28] *Ibid., 1940*, p. 13.
[29] *Proceedings, Democratic National Convention, 1876*, p. 15.
[30] *Ibid., 1884*, p. xxii. [31] *Ibid., 1900*, p. 22.

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policies, and which makes our so-called two-party system quite meaningless in fact. This very looseness is, however, defended by some, a fairly typical argument being that of Victor Rosewater, former chairman of the Republican National Committee. Referring in 1936 to the suggestion that anti-New Deal Democrats be invited to coöperate with the Republican party in the campaign of that year, Mr. Rosewater quoted the formula for Republicanism used in the call of 1856 and, as he stated, "in substance for all the Republican convention calls issued every four years." This meant, he said, that "all in harmony with the party program are invited not only to vote the ticket, but to help choose delegates to nominate the ticket." He pointed out that "this plainly would be absolutely necessary in the formation of a new political party, whose entire membership would have to be made up of former members of some other party"; and while he admitted that state primary laws had imposed certain salutary limitations on such wide-open membership for established parties, he argued that "the notion of hard and fast alignment, put into practice, would merely freeze the relative situation and leave no room for changes except through accretion of new voters or loss by death and removals."[32]

The looseness of these party tests and the increasing desire of the party organizations themselves for protection against the voter without a party conscience have, in the second place, led the states to prescribe by law certain tests of party affiliation or membership, occasionally leaving it to the political parties to supplement these official tests with such additional tests as they may desire.[33]

Three possible tests of a voter's party membership are thus applied by statute in the various states, either alone or in combination, namely, past allegiance, present affiliation, or future intention.[34] The following illustrations will suggest the nature of these

[32] Letter of Victor Rosewater, Feb. 18, 1936, in *New York Times*, Feb. 20, 1936, p. 18, c. 6.

[33] Of the forty-six states having primary laws in 1940, all but one of the closed primary states (Vt.) had a system of party affiliation tests; and even one of the open primary states (Mont.) required an oath of party affiliation, although not a public declaration with which party. Nine of these states permitted party authorities to prescribe additional tests or qualifications.

[34] These various tests were applied in 1932 as follows: (1) *past allegiance:* Ohio, Pa., Wyo.; (2) *present affiliation:* Ariz., Calif., Colo., Del., Ia., Kans., La., Md., Mass., Nev., N.H., N.Y., N.D., N.C., Ore., S.D., W.Va.; (3) *future intention:* Mo., Neb., Tenn., Wash.; (4) *past allegiance and present affiliation:* Fla., Ill., Ky., Va.; (5) *past allegiance and future intention:* Ind., Minn., Miss.; (6) *present affiliation and*

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tests: (1) *Past allegiance:* in Ohio, the primary voter must, if his party affiliation is challenged, swear that he supported the given party at the last general election; while in Pennsylvania, the voter must similarly have voted for a majority of the candidates of the party for whose ballot he asks. (2) *Present affiliation:* in South Dakota, the challenged voter must swear that he is "in good faith" a member of the party in question, and "a believer in its principles as declared in the last preceding national and state platforms"; in Wyoming he must declare that his political faith is in accordance with the party whose primary he is attending. (3) *Future intention:* in Missouri, a voter whose party affiliation is challenged must obligate himself by oath to support the party nominees in the next general election; while in Alabama a similar pledge is printed on the ballot, as follows: "By casting this ballot, I do pledge myself to abide by the result of this primary election and to aid and support all the nominees thereof in the ensuing general election." (4) *Past allegiance and present affiliation:* in Florida, the challenged voter must take an oath "that I am a member of the ———— party, and at the last general election I did not vote for any nominee of any other party"; and in Illinois he must similarly swear that he is "a member of and affiliated with the ———— party," that he has not voted in the primary of any other party within a period of twenty-three months, and that he has not signed nominating petitions for candidates of any other party or of independent candidates. (5) *Past allegiance and future intention:* In Indiana, the voter at a particular party primary must have voted at the last preceding general election for a majority of the nominees of that party, and must intend to support and vote for the party nominees at the coming election. (6) *Present affiliation and future intention:* in Texas, the law provides a so-called "iron-clad pledge" as follows: "I am a Democrat and pledge myself to support the nominees of this primary." (7) *Past allegiance, present affiliation, and future intention:* in Maine, the law provides the following oath for the voter at a primary: "I do solemnly swear that I am a qualified voter in this town, or plantation, or ward, and hereby elect to be enrolled as a member of the ———— party. I am a member of that political party and intend to vote for its candidates at the election next ensuing. I have not taken part or voted at any caucus or primary

future intention: Ala., Okla., Tex.; (7) *past allegiance and present affiliation and future intention:* Me., N.J.

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election as a member of any other political party within the six months last past"; and in New Jersey, the voter, if challenged, must take an oath which includes a declaration that he is a member of the party in question, that at the last election for the General Assembly he voted for a majority of that party's candidates for national, state, and county offices, and that he intends to support its nominees at the ensuing election.[35]

The method of applying these various tests and thus determining a voter's party affiliation also varies. In a number of states there is the so-called challenge system, under which all that is required is a mere declaration of the voter himself at the primary, which is, however, subject to challenge.[36] Thus, in Illinois, a voter declares his party affiliation by appearing at the primary and asking for the ballot of his party. If he asks for a Republican ballot, this request is sufficient to identify him as a member of the Republican party. His statement must, however, be repeated by the election judge "in a distinct tone of voice, sufficiently loud to be heard by all persons in the polling place," in order that anyone may challenge the bona fide character of his affiliation. If such a challenge is made, the voter must take an oath that he meets the legal test of an Illinois Republican. Under this system it is fairly easy for a voter to participate with any party and to change his party affiliation from time to time, for it is only rarely that his declaration is challenged and the entire method is so casual as to encourage looseness of conscience on the part of the voter as well as looseness of administration by the officials.[37]

[35] Convenient summaries with respect to these tests are found in Margaret A. Schaffner, "Primary Elections: The Test of Party Affiliation," *Wisconsin Legislative Reference Department, Comparative Legislative Bulletin*, No. 13 (Aug., 1908); Miller McClintock, "Party Affiliation Tests in Primary Election Laws," in this REVIEW, Vol. 16, pp. 465–467 (Aug., 1922); and R. E. Manning, "Party Affiliation as Prerequisite for Voting at Primaries," *Library of Congress, Legislative Reference Service* (Dec. 13, 1932).

[36] This method was used by about eighteen states in 1940.

[37] Over a period of many years in down-state Illinois, the writer has not heard a single challenge; neither has he ever heard the election officials repeat the voter's declaration of affiliation as required by the statute, and on at least one occasion he saw the official hand a party ballot to the voter without a request at all, which happened to be the party ballot desired.

The Instructions of the Cook County [Chicago] Elections Board to Primary Officials, issued Mar. 30, 1934, warned the judges against asking a question concerning party affiliation "in a manner that will suggest to such voter the party primary ballot which the judge might appear anxious to have the voter cast," and expressly forbade the following:

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A second method, increasingly used by the states,[38] is the so-called enrollment system, that of a previous party enrollment or registration, either on a special party registration day or a party registration in conjunction with the regular election registration. Thus, in New York, at certain stated intervals, beginning approximately a month before an election, the voters are given an opportunity to register, at which time they also may enroll as members of a political party by putting a mark under the appropriate party emblem and by signing a sworn declaration "that I am in general sympathy with the principles of the party which I have designated by my mark hereunder; and that it is my intention to support generally at the next general election, state or national, the nominees of such party for state or national offices." If any voter does not desire to affiliate with a political party, he returns the enrollment blank unmarked and his non-affiliation or party independence is registered, in which case he is also, of course, barred from participating in the party primaries.[39]

In some states there is also provision for registering by mail. In South Dakota, for example, a law enacted in 1923 provides a party registration system under which post cards are furnished to the voters by the respective county auditors (the county election officers in that state), which cards are to be filled out and returned to the county auditor, by mail or in person, at least fifteen days before a primary. On these cards the voter signs a statement declaring "that I am a member of the ———— party . . . ; that I intend to vote the ———— ticket at the primary and support at the general election in November the nominees of such primary. . . . And you are directed to register me as a ————." The county auditor, on the basis of these cards, prepares a party registration book for each precinct "designating each registered voter therein by the initial letter of the party for which he is registered," and furnishing such a registration book to the election officials of each precinct. No person is allowed to vote at a primary unless previously

"Don't say: 'Do you want a Democratic ballot?'

"Don't say: 'Do you want a Republican ballot?'

"Don't say: 'You belong to the Democratic party, don't you?'

"Don't say: 'You belong to the Republican party, don't you?'

"Use only one form of inquiry, as follows: 'To which political party do you belong?' " Quoted by Parke Brown, in *Chicago Tribune*, Mar. 31, 1934, p. 13, c. 1.

[38] Used by more than twenty states in 1940.

[39] *N.Y. Election Law* (1922), p. 98 [Laws of New York, ch. 588, sec. 172].

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registered as a member of a political party, nor allowed to vote with any other party than the one of which he is a registered member.[40]

This system of formal registration as a party member is undoubtedly for most voters a much more solemn and binding method than that of mere verbal declaration at the polls, and it is frequently criticized and opposed for that reason. In South Dakota, for example, where the voters had long been accustomed to the looser system and where a spirit of party independence and of shifting party affiliation had grown up, the first application of the stricter registration system was suspected, and the registration cards were returned very slowly until the attorney-general of the state issued an opinion that the declaration of future support was not actually binding on the voter and that he would be free to participate in a Republican primary and yet vote Democratic at the election. Later, the legal declaration was accordingly modified by omitting the more specific promise to support the nominees of the primary and including only the very general declaration of intent to vote the ticket.[41]

An important question arising out of the closed primary with its system of tests to determine a voter's party affiliation, and his consequent right to participate in the primary or other party proceedings, is whether or not these tests are either legally or practically effective. It is, in other words, the problem of bolting.[42] With respect to the legal aspects of this problem, it is well established that a legislature has the right to prescribe tests of party affiliation.[43] In fact, the courts of California even held at one time that the omission of such a party test was unconstitutional, on the grounds that it took the control of the party from "its honest members," and turned it over to "the venal and corrupt of other political parties, or of none at all," that this would be destructive of party organization, and that a law which permitted such destruction or misrepresentation of a political party was an invasion of the rights reserved to the people in the bill of rights.[44] Although this extreme view is

[40] *S.D. Primary Election Law* (1923).

[41] *S.D. Primary Law, 1929* (Slocum Primary), Sec. 16.

[42] On this problem in general, see S. D. Myres, "Party Bolting," *Arnold Foundation Studies in Public Affairs* (Southern Methodist University, Dallas, Tex.), Summer, 1932.

[43] For a summary review of the judicial interpretation of this matter, see Merriam and Overacker, *Primary Elections* (rev. ed.), pp. 124–129.

[44] Britton v. Board of Election Commissioners (1900), 129 Calif. 337, 346–347; 61 Pac. 1115, 1118.

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no longer held, the general right to prescribe tests that will presumably protect the party against those who have no genuine interest in its welfare has been thoroughly recognized in numerous judicial decisions, the underlying basis of which was well stated in this striking sentence: "A man has a constitutional right not to be a partisan, but he has no constitutional right as a non-partisan to participate in partisan proceedings."[45]

In several instances, however, the application of these tests has caused important and sometimes dramatic controversy. Reference has been made to the rigid test in Texas, known as the "iron-clad pledge," under which Democrats attending a primary pledge themselves to support and vote for the candidates nominated at the primary, or, in other words, pledge themselves not to bolt. In 1924, one Dolph Briscoe and others voted in the Democratic primary but in the following general election bolted the Democratic nominee for governor, "Ma" Ferguson, and voted for the Republican nominee, thus openly and deliberately violating the express pledge taken at the primary. As a result, an attempt was made to exclude these bolters from the next (1926) Democratic primary.[46] Briscoe brought suit to protect his right to be considered still a Democrat, and the highest Texas court ruled that the pledge was a matter of "moral restraint," binding only in accordance with the voter's conscience and sense of honor.

"That pledge operates upon the present intention of the voter. If he considers himself a member of the party holding the election, and if he has a present intention to vote for the nominees selected at such election, he is entitled to vote therein, and by so doing he obligates himself to support such nominees at the ensuing general election. The law does not purport to measure his eligibility by his past political performances, but by his present intentions; not by what he has done or omitted to do in the past, but what he promises, and in honor obligates himself to do in the immediate future."[47]

[45] Floyd R. Mechem "Constitutional Limitations on Primary Election Legislation," *Mich. Law Rev.*, Vol. 3, pp. 364–381 (Mar., 1905), esp. p. 377.

[46] The Democratic executive committee of Uvalde county, Briscoe's county, adopted a resolution in July, 1926, requiring the following pledge: "My vote having been challenged on the ground that I voted for, gave aid and support and comfort to a political party other than the Democratic party at the last general election, and having been duly sworn, I now declare under oath that I did not vote, give aid, support, or comfort to any political party other than the Democratic party and its nominees in the last general election. And I further declare that I will support the nominees of this party at the next general election." This pledge would obviously have barred Briscoe and the other bolters.

[47] Briscoe v. Boyle (Texas Court of Civil Appeals, 1926), 286 S.W. 275. In a case

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Other attempts to apply these party affiliation tests in such a way as to prevent or to punish bolting came in connection with the Hoover-Smith campaign of 1928. A number of prominent Southern Democrats,[48] unwilling to accept Governor Smith, a Tammany man, a Catholic, and a wet, bolted their party's presidential ticket, openly supported the Republican candidate, Herbert Hoover, and were sufficiently influential to carry five of the states of the "Solid South" for the Republican party.[49] As a result, attempts were made to read these "Hoovercrats," as they were called, out of the Democratic party. In Texas, the legislature of 1929 passed a so-called "Bolter Bill," giving the state committee of any party complete power to determine its own membership; but Governor Moody vetoed the measure on the ground that it would disrupt party harmony. In preparation for the 1930 primary, and in spite of a ruling by the state attorney-general that Hoovercrats could not be barred even under the Texas "iron-clad" law, the Democratic state committee adopted sweeping resolutions which would have prevented any Hoovercrat of 1928 from becoming a candidate for office in the Democratic primary.[50] This action of the state com-

decided the previous year, the same court upheld the right of those participating in a Democratic primary to vote for independent candidates in the following general election, thus essentially holding the iron-clad pledge not binding. Cunningham v. McDermott (1925), 277 S.W. 218.

[48] The most important of these were Thomas B. Love of Texas, long a Democratic leader in that state, for some time a member of the Democratic National Committee, and an Assistant Secretary of the Treasury in the Wilson Administration; Senator F. M. Simmons of North Carolina; Senator J. Thomas ("Tom-Tom") Heflin of Alabama. [49] Florida, North Carolina, Tennessee, Texas, Virginia.

[50] The essential feature of these resolutions, adopted Feb. 1, 1930, by a vote of 21–9, provided, with respect to any person desiring a place on the Democratic primary ballot, "that in the last preceding general election he must not have voted against any nominee or presidential elector of the Democratic party, if he participated in the primary elections or conventions of the Democratic party in 1928, and took a pledge to support the nominees of the Democratic party." A candidate was also required, not only to take the statutory "iron-clad" pledge, but to do so "in good faith without any reservations" and "in writing" at the time of applying for a place on the ballot, and also to declare "that he does not now advocate a voter's entering a party primary or convention and taking the prescribed pledge with reservations, mental or otherwise." Complete text in Love v. Wilcox (1930), 28 S.W. (2nd) 515, 517. It should be noted that the committee did not bar Hoovercrats from participating in the primary (in fact, it expressly invited them to do so), but merely from becoming candidates for office. This action was directed particularly against Thomas B. Love, who sought the Democratic nomination for governor.

It may be noted also that the Republican state committee of Texas adopted a resolution inviting the Hoovercrats to become "permanent members in good standing of the Republican party." *New York Times*, Feb. 17, 1930.

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mittee was, however, overruled by the state supreme court, which held that the party authorities had no right to go beyond the statute in the regulation of the primary; that since the Texas statute imposed the test of future intention, no one could be excluded "because of former political views or affiliations, or because of refusal to take any other than the statutory pledge"; that, since no penalty had been imposed for violation of the pledge as to future intention, even that pledge must be understood to be "a purely moral obligation binding no longer than it could be conscientiously performed"; and that "the power to pass on the sincerity of the candidate's pledge and to endorse or condemn his past party record is to be exercised by the party voters."[51] As a matter of fact, the Texas Democrats did just that, administering a severe defeat to the leading Hoovercrats in that state,[52] and thus effectively discouraged bolting in the future, even though it was not prevented by law.

In Georgia, a resolution to exclude the Hoovercrats was defeated in the Democratic state committee by a large majority (63–4);[53] in most of the other states concerned, they were allowed, or even invited, to return to the party;[54] but in Alabama the state committee, by a close vote (27–21), barred Hoovercrats from becoming candidates for office, although not from participating in the Democratic primary.[55] This action, directed primarily against Senator

[51] Love v. Wilcox (1930), 28 S.W. (2nd) 515; see also O. D. Weeks, "The Texas Direct Primary System," *Southwestern Soc. Sci. Quar.*, Vol. 13, pp. 107–114 (Sept., 1932).

[52] Thomas B. Love, whose right to run for the Democratic nomination for governor was upheld by the courts in the above case, ran fourth in the primary.

[53] Action taken Apr. 11, 1930. *Cong. Record*, Vol. 72, pt. 7, p. 7012 (Apr. 14, 1930). In 1928, however, the Democratic state committee of Georgia ordered anti-Smith Democrats barred from the Democratic primary, this being directed particularly against Representative W. D. Upshaw, a fanatical prohibitionist; but the action was rescinded at the request of Upshaw's opponent, Leslie Steele, who thereupon defeated Upshaw in the primary by a vote of 14,270 to 9,333. *New York Times*, Aug. 11, 1928, p. 3; Sept. 14, 1928, p. 3.

[54] In North Carolina, however, the venerable Senator Simmons was defeated for renomination by Josiah W. Bailey, largely on the Hoovercrat issue. The Virginia situation, with Bishop Cannon as a powerful Hoovercrat leader, was particularly interesting, although no legal bar was attempted. See L. A. B., "The Status of Hoovercrats under the Virginia Primary Law," *Va. Law Rev.*, Vol. 15, pp. 390–395 (Feb., 1929); and J. N. Aiken, in *New York Times*, Feb. 17, 1929, Sec. III, p. 2, July 28, 1929, Sec. III, p. 2, Aug. 25, 1929, Sec. III, p. 1, Nov. 10, 1929, Sec. III, p. 1.

[55] The pertinent part of this resolution, adopted Dec. 16, 1929, provided "that

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Heflin, a rabid anti-Catholic, who led the revolt against Al Smith in Alabama, was opposed by the national party organization,[56] by both the United States senators from the state,[57] and by several county committees,[58] but was upheld by the state courts as within the power of the party authorities.[59] Senator Heflin and his associates thereupon ran independently, but were soundly trounced by the regular Democratic candidates; and thus in Alabama, as in Texas, the party voters themselves applied the penalty for bolting, which it was found in most states difficult to apply as a legal rule.

A form of party membership qualification that has been more successfully applied is that provided by the so-called white primary.[59a] This, as the term implies, is a primary to which only white voters are admitted. It is used in Southern states only, and is confined to the Democratic party; but since that party is the dominant party in those states, the exclusion of the Negro from the Democratic primary excludes him from effective participation in the franchise. This legal whitening of the Democratic party in the South was ordinarily brought about by including among the

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no person shall become a candidate for any state, district, federal, or circuit office or have his or her name printed upon the Democratic ballot in the primary election [of 1930], if such person either voted a Republican presidential ticket in November, 1928, or openly and publicly opposed the election of the nominees, or either of them, of the Democratic Convention held at Houston, Texas, in 1928, or who opposed the election of Democratic electors for president or vice-president in November, 1928." Text in Wilkinson v. Henry (1930), 221 Ala. 254, 255; 128 So. 362, 363.

[56] Telegram of Jouett Shouse, chairman of the Executive Committee of the Democratic National Committee, to J. C. Inzer, member of the Democratic state committee of Alabama. *New York Times*, Dec. 14, 1929.

[57] See letters of Senator Hugo Black and Senator Heflin to Ben F. Ray, in *Cong. Record*, Vol. 72, pt. 1, pp. 200–203. (Dec. 6, 1929).

[58] *Chicago Tribune*, Jan. 14, 1930.

[59] Wilkinson v. Henry (1930), 221 Ala. 254; 128 So. 362. (There was a lengthy dissent by one judge.) In another case, decided later, the Alabama supreme court also upheld a similar Republican rule, which required those who desired to become candidates in the Republican primary to state under oath "how he or she voted in the last general election of 1928, that is, whether said proposed candidate supported the Republican ticket or the Democratic ticket, or voted a split ticket." Lett v. Dennis (1930), 221 Ala. 432, 129 So. 33.

[59a] For general discussion, see Paul Lewinson, *Race, Class, and Party* (1932), esp. Chap. 7 and App. III; James E. Pate, "The Texas White Primary Law," *Nat. Mun. Rev.*, Vol. 16, pp. 617–619 (Oct., 1927); O. D. Weeks, "The Texas Direct Primary System," *Southwestern Soc. Sci. Quar.*, Vol. 13, esp. pp. 114–120 (Sept., 1932); and "The White Primary," *Miss. Law Jour.*, Vol. 8, pp. 135–153 (Dec., 1935). There are also a number of excellent notes and comments on the judicial decisions in various law journals.

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qualifications for voting in the primary, or, in other words, among the tests of party membership or affiliation, the prescription that the participant must be "white" or a "white Democrat." In some cases the prescription was stated in such a way as theoretically to allow Negro participation, but surrounded with conditions virtually impossible of fulfillment, such as the South Carolina provision permitting Negroes to participate in a Democratic primary who voted for General Hampton for governor in 1876 and for the Democratic ticket continuously since, such action to be certified by ten reputable white men.[60]

Until 1927, such a white primary was thought to be entirely constitutional, in spite of the Fifteenth Amendment, since those provisions in the national Constitution were held applicable to elections only, and the political party and its operations (including the primary) were presumably subject to regulation by each state for itself. In 1927, however, the federal Supreme Court held the Texas white primary unconstitutional, not on the ground that it denied the Negro the right to vote presumably guaranteed by the Fifteenth Amendment, but on the more ingenious ground that it denied him the equal protection of the laws guaranteed by the Fourteenth Amendment.[61]

This equal protection provision had, on the other hand, been consistently held applicable only to states and not to private individuals or organizations; hence the Texas legislature promptly substituted for the statutory provision excluding the Negro from the Democratic primary a provision authorizing the party state committee to determine the qualifications for party membership and for voting in the primary. The Democratic state committee thereupon adopted a resolution limiting participation in the Democratic primary to "white Democrats"; but again the action was held unconstitutional, this time on the ground that the express delegation of power to the party state committee in the statute made that committee an instrumentality or agent of the state, and therefore the Fourteenth Amendment was applicable to the situation.[62]

[60] See *supra*, p. 24, n. 22. For a convenient summary of the white primary membership rules, see O. D. Weeks, in *Miss. Law Jour.*, Vol. 8, pp. 140–141 (Dec., 1935).

[61] Nixon v. Herndon (1927), 273 U.S. 536; 71 L. Ed. 759. The Texas statute provided that "in no event shall a negro be eligible to participate in a Democratic primary election." *Texas Revised Civil Statutes*, Art. 3093a [later 3107].

[62] Nixon v. Condon (1932), 286 U.S. 73; 76 L. Ed. 984.

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In handing down this decision, however, the federal Supreme Court intimated that a definition of party membership by the highest authority of the party, the convention, acting of its own free will rather than as a result of legislative requirement or authorization, might be a different matter.[63] The Texas legislature, acting on this hint, made no statutory provision with respect to party membership, and now the Democratic state convention, on May 24, 1932, adopted a resolution "that all white citizens of the State of Texas, who are qualified to vote under the constitution and laws of the state, shall be eligible to membership in the Democratic Party and as such entitled to participate in its deliberations." This action was upheld by the courts as entirely constitutional, on the ground that "Here the qualifications of citizens to participate in party counsels [*sic*] and to vote at party primaries have been declared by the representatives of the party in convention assembled, and this action upon its face is not state action."[64]

The white primary was therefore maintained by this ingenious reasoning, and the right of the party to determine its own membership, except as restrained by law, more firmly established.[64a] It would appear from these decisions, however, that such right to control completely its own membership might be dependent on the extent to which the party was otherwise subject to state regulation

[63] "Whether a political party in Texas has inherent power today without restraint by any law to determine its own membership, we are not required at this time to deny or affirm. . . . Whatever our conclusion might be if the statute had remitted to the party the untrammelled power to prescribe the qualifications of its members, nothing of the kind was done. Instead, the statute lodged the power in a committee, which excluded the petitioner and others of his race, not by virtue of any authority delegated by the party, but by virtue of an authority originating or supposed to originate in the mandate of the law. . . . Whatever inherent power a state political party has to determine the content of its membership resides in the State Convention. . . . Never has the State Convention made declaration of a will to bar Negroes of the State from admission to the party ranks. . . . Whatever power of exclusion has been exercised by the members of the committee has come to them, therefore, not as the delegates of the party, but as the delegates of the State." *Ibid.*, 286 U.S. 83–85; 76 L. Ed., 988.

[64] Grovey v. Townsend (1935), 295 U.S. 45; 79 L. Ed. 1292.

[64a] "I know of no legal or constitutional reason why the Democratic party of Arkansas should not confine its membership to one-legged, bald-headed Asiatics if it wanted to. If we confine our membership by our own rules and regulations to legally qualified *white* electors, it is nobody's business but our own." Letter of Lamar Williamson, then chairman of the Arkansas Democratic state central committee, to L. V. Murphy, July 15, 1932, quoted in L. V. Murphy, *The White Primary System: Its Development and Political Aspects* (unpublished mss.), p. 25.

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or allowed by the state to manage its own affairs. The Court found that the political party in Texas was, in spite of some regulation by the state, sufficiently free in the management of its affairs to be considered not a state agency but a voluntary association;[65] but, as one commentator remarked, "it is doubtful whether Negroes can be barred from the primary in those states which prefer to bear the full burden of administering and financing primary elections."[66]

The situations heretofore described, involving the interpretation and practical application of party membership tests, have related to the Southern states, where the Democratic party is the dominant and virtually the only party. Under such circumstances, the problems are somewhat different from those in the other sections, where there is a more genuine two-party system. In the one-party states of the South, there is, practically speaking, no alternative for the dissatisfied voter; bolting the Democratic party tends to remove the bolter from any effective participation in political affairs; and hence that problem arises only under the most exceptional circumstances. The other phase of the membership problem in the South, that of the exclusion of the Negro, has its legal difficulties, as has been shown, but is again a problem on which the feeling is so uniformly strong that the practical result is to secure the effectiveness of the test in question.[67]

The problem in the two-party states of the North and West is more difficult of practical control, for it is that of shifting party allegiance under circumstances where the individual voter, and even the party leader, stands to lose less, and may even gain in public favor, from a show of independence. The statutory tests may be a deterrent in some cases, and a guide to party conduct in other cases, but it is probable that the remark of a Texas court with respect to the Texas "iron-clad" pledge is even more apt with respect to the looser tests in the North and West: "As a practical matter, the declarations and promise [required by the statute] add but little to the obligation of the voter, for both should be implied from his act in participating in a party election or convention."[68]

[65] Grovey v. Townsend (1935), 295 U.S. 52–53; 79 L. Ed. 1296.

[66] Louise Overacker, "Direct Primary Legislation in 1934–35," in this REVIEW, Vol. 30, p. 282 (Apr., 1936). A recent Supreme Court decision, although not directly in point, seems to support this view. U.S. v. Classic, 313 U.S. 299 (1941) [Preliminary Print].

[67] Even the Republican party in the South has a strong tendency to become "lily-white." See Paul Lewinson, *Race, Class, and Party* (1932), Chap. 8, esp. pp. 166–176.

[68] Briscoe v. Boyle (1926), 286 S.W. 276.

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In the states having the open primary, with its complete lack of any party membership or affiliation tests, it is obviously possible for voters to shift their party allegiance freely. It is also clear that this is done to a considerable extent. In Wisconsin, for example, there has long been a peculiar political situation, in that the La-Follettes (Robert Sr., Robert Jr., and Philip) dominated the state for about thirty years through the Republican party.[69] Their liberal policies served, however, to attract to their support a large number of Democrats and even of Socialists,[70] with the result that the Democratic party frequently had difficulty during those years in meeting the ten per cent requirement for a legal party in Wisconsin. On the other hand, the LaFollette group always had to battle the conservative Republicans for control of that party, but usually won because Democrats, having no fight in their own party and little chance of success in the election, participated in considerable numbers in the Republican primary on the side of the LaFollettes. If for any reason the LaFollette faction lost to conservative Republicans in the primary, the Democratic vote in the November election showed a significant increase. Thus, in 1928 the Democratic primary vote of 41,459 for governor increased in the following November election to 394,368, a conservative (Walter J. Kohler) having won the Republican nomination, while at the same time the Democratic candidate for United States senator withdrew before the November election in favor of Robert M. LaFollette, Jr. In 1930, the Democrats cast an even smaller primary vote, 17,040, for governor, Philip LaFollette was nominated by the Republicans, and in November the Democratic vote against him was only 170,-020.

By 1932, however, the depression and the vote-getting power of Franklin D. Roosevelt had so revived the hopes of a Democratic victory in Wisconsin that 244,244 Democrats participated in the spring presidential primary of that party, with the result that for the first time since the direct primary was established in the state the conservative Republicans controlled the delegation to the Re-

[69] In 1934, the LaFollette brothers formally abandoned the Republican party and organized the Progressive party. It is not yet (1941) clear what the results of this may be, but an interesting analysis of the Wisconsin Progressives in relation to the presidential primaries of 1940 was made by Turner Catledge in *New York Times*, Mar. 27, 1940, p. 16, cc. 2–5.

[70] In 1924, the Socialist party for the first time in its history ran no presidential candidate of its own, but endorsed the Progressive ticket of LaFollette and Wheeler.

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publican National Convention. As the fall state primary came along, with a particularly bitter struggle within the Republican party between the LaFollette and the conservative or "regular" factions,[71] most Democratic leaders "shouted adjurations to Democrats to vote in the Democratic primaries instead of following their usual Wisconsin custom of voting in the Republican primary," while other Democrats such as Senator Burton K. Wheeler of Montana toured the state "crooning to Democrats that they ought to flop into the Republican primaries and vote for Senator John J.

TABLE I

COMPARISON OF DEMOCRATIC AND REPUBLICAN VOTE IN WISCONSIN

		Primary		*Election*		
Year	*Office*	*Democratic*	*Republican*	*Democratic*	*Republican*	*Comment*
1928	Pres.	82,829	186,922	450,259	544,205	No Democratic contest for Sen. or Gov. Republicans nominated LaFollette for Sen., Kohler (cons.) for Gov.
	Sen.	38,432	484,135	———	635,376	
	Gov.	41,459	514,065	394,368	547,738	
1930	Gov.	17,040	663,238	170,020	392,958	No Dem. contest; LaFollette nominated over Kohler by Reps.
1932	Pres.	244,244	148,051	707,410	347,741	Dem. contest for Gov. only; Chapple and Kohler (conservatives) nominated by Reps. for Sen. and Gov. over Blaine and LaFollette.
	Sen.	110,548	687,033	610,236	387,668	
	Gov.	131,930	734,459	590,114	470,805	

Blaine and Governor Philip F. LaFollette." All observers agreed that the result in the Republican primary would depend upon the extent to which Democrats stayed in their own primary, that "a light Democratic vote would help LaFollette, a heavy Democratic vote would aid Kohler," it being estimated that "eighty per cent of the Democrats who vote in their own party instead of voting a Republican [primary] ballot will be a loss to LaFollette."[72]

As a matter of fact, 131,930 Democrats of Wisconsin did stay in their own primary on that occasion, nearly eight times as many as two years before, with the result that the conservatives carried

[71] The LaFollette faction ran Senator John J. Blaine and Governor Philip LaFollette for renomination, and the "regulars" ran John B. Chapple and former Governor Kohler.

[72] This situation is vividly described by Arthur Evans in *Chicago Tribune*, Sept. 19, 20, 22, 1932.

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the Republican primary, but were defeated in the November election.[73] The conclusion is clear, that in Wisconsin the party tie rests very lightly on the voter; that a considerable number of voters who consider themselves normally Democrats do not hesitate to participate in Republican primaries, not, however, to take advantage of that party, but in order to participate more effectively in advancing the principles in which they believe.[74]

In South Dakota, a closed primary state, Democrats and Nonpartisan Leaguers, having no fight in their own primaries, eager to help progressive Republicans "smash the machine," and feeling unrestrained by the loose test of party membership, in 1922 (and probably on many other occasions) invaded the Republican primary in large numbers, and then, dissatisfied with the results, returned in the fall to their own party allegiances;[75] in Minnesota, in 1930, Farmer-Labor leaders were reported to have addressed a round robin appeal to members of their party to go into the Republican primary and support Senator Thomas D. Schall for renomination against Governor Christianson, "so that in the final election there will be only Progressives to vote for";[76] in Nebraska, in the same year, it was conceded that a great many Democrats, estimated as up to 25,000, had gone into the Republican primary in order to help renominate Senator Norris;[77] and many other examples of this practice could be given.

It has also been charged, particularly against the open primary

[73] The figures are from the *Wisconsin Blue Book* for the corresponding years of 1929, 1931, and 1933. See Table I on facing page.

[74] Cf. the following comment in a liberal journal: "Apparently the Democrats have been voting in the Republican primary as Progressives heretofore, and now propose to put over their own candidates." Editorial in *The Nation*, Vol. 135, p. 293 (Oct. 5, 1932). Occasionally Republicans may also have invaded Democratic primaries in Wisconsin. For example, the *New York Times*, in commenting on the Wisconsin presidential primary of 1940, pointed out that Vice President Garner's friends had tried "to persuade Wisconsin Republicans to go into Democratic primaries (which they are permitted to do under the law of that State) in order to cast their votes against Mr. Roosevelt and a third term," and intimated its own belief that such an invasion had occurred, "solely for a temporary strategic purpose," and hence that estimates of the real Republican strength in Wisconsin would have to be revised upwards on the basis of the primary results. Editorial, "Wisconsin Primary," in *New York Times*, Apr., 4, 1940.

[75] See Clarence A. Berdahl, "The Operation of the Richards Primary," *Annals Amer. Acad. Pol. and Soc. Sci.*, Vol. 106, pp. 158–159 (Mar., 1923).

[76] *Chicago Tribune*, June 14, 15, 1930. At that time the Minnesota law provided the test of past allegiance and future intention. *Minn. Election Laws* (ed. 1930), p. 40 [sec. 306].

[77] Richard V. Oulahan, in *New York Times*, Oct., 7, 1930.

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but also against the loose requirements of party membership often associated with the closed primary, that voters of one party enter the primaries of another, not in order to support a particular principle or policy, but in order to help nominate weak candidates who may later be defeated in the election. There is evidence that this is actually done on some occasions. For example, an astute political observer, after analyzing the situation in Colorado in 1930, seemed to believe that a number of Democrats had entered the Republican primary and brought about the nomination of the weakest candidate for United States senator because they doubted whether the Democratic nominee could beat the other Republican;[78] and in Minnesota, in 1938, it was estimated that from 20,000 to 100,000 Republicans would enter the Farmer-Labor primary in order to defeat Governor Elmer A. Benson and secure the nomination of his opponent, Hjalmar Petersen, "who, because of his violent attacks on Benson's administration, is expected to be without the support of a majority of his party in the November election."[79]

In New Jersey, the participation of Democrats in Republican primaries became so traditional that these "one-day Republicans," as they were called, were openly bid for by the managers of the respective Republican candidates, and this in turn encouraged deals of various kinds between the respective party leaders or bosses. Thus, in 1930, with the Democratic nomination for the United States Senate uncontested, but with three candidates for the Re-

[78] Arthur Sears Henning, in *Chicago Tribune*, Oct. 11, 1930. The Democratic nominee was Edward P. Costigan, himself formerly a Republican and in 1912 a Progressive. The Republican candidates were William V. Hodges, former treasurer of the Republican National Committee and a well-known political figure, and George Shaw, relatively unknown. Shaw was presumably supported by the invading Democrats, and defeated Hodges by 14,000 votes in the primary, but was in turn defeated by Costigan in the election.

[79] *Chicago Tribune*, June 19, 1938, Pt. 1, p. 16, c. 3. The following comments after the primary are significant: "The size of the Farmer-Labor vote, as compared with that cast for party candidates in previous years, indicated that large numbers of Republicans and Democrats had ignored the advice of their candidates to vote in their own party columns. The urge by conservatives to eliminate Governor Benson from the fall elections apparently led many to mark the Farmer-Labor sections of the consolidated primary ballot." AP dispatch in *New York Times*, June 22, 1938, p. 24, cc. 3–4. "The huge vote in the Farmer-Labor primary showed that many Republicans and Democrats crossed party lines to vote for Petersen." Special dispatch in *Chicago Tribune*, June 26, 1938, Pt. 1, p. 9, c. 4. Benson was renominated, but the impressive vote for Petersen may have furthered the dissension within the Farmer-Labor party and contributed to the Republican victory in November. At this time Minnesota had the open primary.

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publican nomination—Dwight Morrow, former Senator Joseph S. Frelinghuysen, and Congressman Franklin W. Fort—the Superintendent of the New Jersey Anti-Saloon League, the Rev. James K. Shields, was declared to be "publicly adjuring dry Democrats to enter the Republican primary and vote for Fort," while the Democratic boss of New Jersey, Mayor Hague of Jersey City, was generally supposed to be throwing the Democratic vote to Frelinghuysen, as the result of a deal respecting legislation in the previous session of the legislature. Most of all, however, it was said that Mayor Hague "is going to help nominate the Republican candidate he deems easiest for Simpson [the Democratic nominee] to beat in November." In 1937, with the Democratic nomination for governor uncontested for Senator A. Harry Moore, but a sharp fight for the Republican nomination between two state senators, the Rev. Lester H. Clee and Clifford Powell, the Clee managers charged openly that the Democratic "one-day Republicans" were being lent to the Powell faction "in the belief that Senator Powell would be a less difficult candidate for Senator Moore to defeat in the election," and predicted a large majority for Clee "if the vote of 'one-day Republicans' was held to a minimum by the watchfulness of Clee workers at the polls." Clee was nominated but defeated in the election, although it was estimated that 25,000 "one-day Republicans" had voted for Powell in Hudson county, the home and political stronghold of Mayor Hague.[80]

In Illinois, there has for years been a considerable amount of invasion of one another's primaries by both Republicans and Democrats, in spite of the fact that the membership test in that state is theoretically one of the most stringent in respect to change of party affiliation. Under the primary law of Illinois, a voter whose party membership is challenged at the primary must declare under oath, not only that he is at the time a member of the party in question, but also that he has not affiliated with any other party (by voting at its primary or by signing the nominating petition of any of its candidates) nor aided any independent candidate (by signing his nomination papers) within a period of two years.[81] In other words, it was presumed under the law that a voter must be a mem-

[80] For accounts of the New Jersey situation, see Arthur Sears Henning, in *Chicago Tribune*, June 14, 1930; and *New York Times*, Sept. 21, 1937, p. 4, c. 2; Sept. 23, 1937, p. 11, cc. 1–2.

[81] This period was changed to twenty-three months in 1939.

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ber of only one party at a time, that he must participate only with the party of his affiliation, that an independent in politics has no business participating in a party primary, and that a voter's good faith in changing his affiliation from one party to another, or from independence of party to a particular party, should be tested by his complete abstention from party activity over a period of two years.

In spite of these stringent requirements, numerous instances could be cited of wholesale invasion of one another's primaries, occasionally because of an earnest desire to support particular candidates or principles, but sometimes for the purpose of weakening the party invaded. In connection with the Chicago mayoralty campaign of 1931, with the Democratic nomination conceded to Anton J. Cermak, the Democratic leaders became fearful that their followers would enter the Republican primary,[82] incidentally admitted that such participation had been encouraged in the past, and pleaded with Democrats this time to stay and vote in their own primary, in order to make a showing and inspire the confidence that would bring about an election victory. The Democratic party chiefs met together at conferences to discuss the problem,[83] and from day to day spoke over the radio, at party gatherings, and on various other occasions, urging their followers "to leave nothing undone toward getting all the Democrats to vote in their own party primary," admonishing them "that the Republicans be left to settle their own quarrels," and just before the primary issuing a "final word of instruction" as follows: "Do not concern yourselves with the warfare between the Republican factions. Show your interest in good government and stay in your own primary. Roll up a vote for A. J. Cermak which will exceed any ever given a Democratic mayoralty candidate at a primary election."

During these exhortations, Mr. Cermak himself blandly admitted

[82] There were four candidates in the Republican primary, the principal ones being Mayor William Hale Thompson and Judge Lyle. It was estimated, on the basis of a postcard straw poll, "that 8 per cent of the Democrats are not playing with their party this time. That 8 per cent probably means 15,200 votes." Oscar Hewitt, in *Chicago Tribune*, Feb. 14, 1931.

[83] A newspaper photograph was published showing Democratic city leaders (A. M. Smietanka, candidate for municipal court judge; Edward J. Kaindl, candidate for city treasurer; A. J. Cermak, candidate for mayor; alderman John S. Clark, chairman of the Democratic executive committee; and others not shown), with the explanation, "at luncheon at the Steuben Club at which plans to keep party voters out of Republican primary were discussed." *Chicago Tribune*, Feb. 10, 1931.

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that in the past Democrats had been urged to vote in Republican primaries in an attempt to weaken that party. "We must not make the mistake we did a few years ago," he said, "when we aided a certain Republican candidate in the primary only to have him beat us in the election";[84] but he evidently felt that to have been a practical mistake rather than a mistake in principle, for he now urged Republicans to come into the Democratic primary: "To the Republican voter I have only to say that 'this is your fight, not ours,' and to the Democratic voter I want to point out that the selection of a Republican candidate for mayor is emphatically a Republican family affair in which no Democrat should meddle. The Republicans started to clean house last fall, and I believe that the rank and file of Republican voters are capable of handling this situation themselves. I feel that it is only proper that as leader of the Democratic party I should thank those Republicans who voted with our party last fall and ask those who feel so inclined to continue their efforts for the purging of this community, as was started at the last election, by taking part in the Democratic primary Tuesday." As a result of these pleadings, it is probable that relatively few Democrats that year participated in the Republican primary, although it was admitted that there was some irregularity of this sort, principally in favor of Mayor Thompson.[85]

In later years, especially in 1934 and 1938, the party situation in Illinois was reversed in respect to the problem of shifting allegiance, in that it now became largely a Republican problem. It was estimated that in Chicago and Cook county some 250,000 Republicans (and of course a considerable number down state) had participated in the Democratic primaries in 1932, and in that sense had "joined" the Democratic party.[86] By 1934, a large number of these Republicans presumably desired to return to their own party, and the question arose as to their right to do so, in view of the two-year provision already noted and the fact that less than two full years would elapse between the primaries of 1932 and 1934.[87] In Cook

[84] Evidently Mayor William Hale Thompson.

[85] For this Chicago situation see Chicago newspapers, especially *Chicago Tribune*, Feb. 10, 14, 17, 20, 21, 25, 1931. The primary was held on Feb. 24.

[86] The Democratic primary vote increased from 244,109 in 1928 to 327,312 in 1930 and 816,773 in 1932; while the Republican vote decreased from 1,663,319 in 1928 to 1,410,538 in 1930 and 1,315,245 in 1932. *Official Vote of Illinois* (1928), p. 59; (1930), p. 59; (1932), p. 61.

[87] Under the Illinois law, the state primary is held on the second Tuesday in

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county, the election authorities ruled that the two-year provision referred to calendar years, that under the circumstances there could be no party switching in 1934, or, as a political reporter put it, "that the Democrat of two years ago is a Democrat this year,"[88] and this ruling was sustained by the federal District Court.[89] However, Attorney-General Otto Kerner ruled to the contrary, holding that the statutory provision should be interpreted to mean "political" years rather than "calendar" years, or, in other words, the period between each state primary, arguing the absurdity of the other interpretation which would mean that sometimes a voter must wait two years in order to change parties, while at other times he would have to wait four years.[90]

The result was naturally confusion throughout the state, although in general the down-state officials followed the attorney-general's ruling and allowed party switching without question, apparently taking the position stated by one county judge that, "As a constitutional right, people can change their party affiliations at any time, irrespective of any law to the contrary. A man or voter has the inherent right to change his politics the same as he has his religion."[91] In Chicago and Cook county, there was an effort to keep voters to their party allegiances of 1932, although it was admitted that there would be practical difficulty in withholding from any voter the party ballot requested if he were prepared to take the statutory oath.

In 1938, the problem of shifting party allegiance again became important in Illinois, since the statutory two-year period was short by two days of two full calendar years. Again the problem was

April in even-numbered years, which means the following dates: 1930—Apr. 8; 1932—Apr. 12; 1934—Apr. 10; 1936—Apr. 14; 1938—Apr. 12; 1940—Apr. 9; 1942—Apr. 14.

[88] Parke Brown, in *Chicago Tribune*, Mar. 31, 1934, p. 13, c. 1.

[89] Decision by Judge John P. Barnes, Mar. 28, 1934. See also decision of Circuit Judge Klarkowski, in 1938. *Infra.* p. 48, n. 95a.

[90] *Illinois Attorney-General's Reports and Opinions* (1934), pp. 76–79 [Opinion No. 595, Feb. 16, 1934].

[91] County Judge William Leech of Lee county, quoted by Parke Brown in *Chicago Tribune*, Apr. 9, 1934, p. 1, c. 1. Cf. view of Attorney-General Kerner in above-mentioned opinion: "No power exists in the legislature to control the politics of the citizen or to prevent him from changing his political affiliations or beliefs at any time he may choose so to do. In order to prevent, however, the unfair participation of members of one party in the primary of another, the limitation of two years was set up and is sustained on the theory of preventing control of the destiny and nominees of one party by the members of an opposite party going into a primary and nominating candidates whom they never expect to support" (p. 77).

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particularly one for the Republican party, since many Republicans, including probably some who had returned to that party in the presidential year 1936, were showing a disposition to participate with the Democrats, who were having a sharp factional fight between the Horner and the Kelly-Nash groups. At any rate, Republican leaders clearly feared wholesale desertion by the rank and file, for they issued numerous appeals to Republicans to stay in their own primary. For example, the staunchly Republican *Chicago Tribune* ran an editorial, "Republicans in Their Own Primaries," in which it analyzed the factional situation in the Democratic party, noted that there was an effort "to make it seem that certain Democratic candidates in this family scrap so represent the cause of public welfare that Republicans should vote for them," pointed out that "the primaries are party affairs for the nomination of candidates and are just where party differences and partisan attempts at control should be fought out," and strongly urged the Republican voters "to stay out of the Democratic election. . . . Republicans, as they have been urged throughout this rollicking personal purge undertaken by the fighting Democratic gamecocks, should use the occasion to strengthen their own organization, poll their own vote, and present the best candidates they have."[92]

Similar appeals were made by important party leaders, such as the chairman of the woman's division of the Republican county committee of Cook county (Mrs. Charles Krutckoff) and the chairman of the Republican state committee (John F. Tyrrell). Mrs. Krutckoff, addressing her appeal particularly to the Republican women, said: "I'm trying to talk to as many Republican women as I can to urge them to stay in the Republican primary. We do not want to have them get panicky or become sidetracked because of the Democratic factional troubles and everything else that is happening. We just want to stick together. . . ."[93] Chairman Tyrrell not only made his own appeals, but on the day preceding the primary ran a three-quarter-page display advertisement in the newspapers on behalf of the Republican state committee, headed in large type "*Stand by the Republican Party!*", reproducing in part the decision of Judge Barnes and in full the ruling of the Cook County Board of Election Commissioners of 1934 which would deny the right of Republicans to enter the Democratic primary,

[92] *Chicago Tribune*, Apr. 6, 1938.
[93] Quoted in *ibid.*, Mar. 18, 1938, p. 9, c. 2.

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reproducing also the full text of an "*Appeal to Republican Voters*" issued by a group of important Republican leaders in Illinois,[94] and including this appeal: "Republicans! Every Republican leader and official in Cook county and Illinois appeals to your party loyalty! Show party strength by voting Republican! Give your Republican candidates a big vote tomorrow!"[95]

In spite of these appeals, it is evident that a large number of Republicans did participate in the Democratic primaries of 1938, probably for the most part in order to support Governor Horner in his fight on the Kelly-Nash machine in Chicago.[95a] This was admitted the next year when, in connection with the Chicago mayoralty campaign, attempts were again made to keep Republicans within their own party. On that occasion, a long statement was made by Mr. Charles B. Goodspeed, a leading citizen of Chicago and treasurer of the Republican National Committee, in which he vigorously attacked the "nonpartisan" argument for these shifts in party allegiance, declared that the practice was unsound from the point of view both of municipal welfare and of party success, and strongly urged Republicans to stay in their own party primary. His statement is worth reproducing in full:

"The mayoralty election in Chicago will probably be the most important political event in this country during the year 1939. It is important not only to the citizens of Chicago, who desire honest and efficient city government, but to the entire nation because of its bearing on the presi-

[94] This appeal, issued on Apr. 8, 1938, was signed by Bertha D. Bauer, Republican National Committeewoman for Illinois; Charles B. Goodspeed, Treasurer, Republican National Committee; John F. Tyrrell, Chairman, Republican State Committee; Mrs. Mary Silbis, Chairman, Woman's Division, Republican State Committee; Charles A. O'Connor, Chairman, Republican County Chairman's Organization of Illinois; Edward F. Moore, Chairman, Cook County Republican Central Committee; and Mabel B. Krutckoff, Chairman, Woman's Division, Cook County Republican Central Committee. It was also expressly endorsed by other prominent Republican leaders, including three former governors, Charles S. Deneen, Frank O. Lowden, and Louis L. Emmerson. *Chicago Tribune*, Apr. 9, 1938, p. 3; Apr. 10, 1938, Pt. 1, p. 3, cc. 3–5.

[95] See advertisement in *Chicago Tribune*, Apr. 11, 1938, p. 16; or *Chicago Herald and Examiner*, Apr. 11, 1938, p. 9.

[95a] Estimated as 100,000 or more. See Parke Brown, in *Chicago Tribune*, Jan. 8, 1939, Pt. 1, p. 3, c. 2; and Percy Wood, in *ibid.*, Jan. 16, 1939, p. 8, c. 4. In the case of the 13th legislative district in Chicago, involving a contest between the Democratic factions, Circuit Judge Klarkowski stopped recount proceedings and declared the Democratic primary entirely illegal because Republicans had been permitted to participate. Warren Phinney, in *Chicago Daily News*, Sept. 30, 1938, p. 9, c. 1.

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dential election in 1940. If we are to elect a Republican President, we must carry Illinois. To carry Illinois, the power of the Democratic machine within the city must be destroyed. This can be accomplished by nominating a Republican candidate for mayor whose character, experience, and ability will inspire faith and confidence in the party. Republicans cannot build up the morale of their party, so that we will carry the state in 1940, by voting for Democrats either in the primary or in the election.

"Many good Republicans were seduced into voting in the Democratic primary last April in the belief that by so doing they would destroy the Democratic machine which controls the city of Chicago. With their help, the candidates of the faction opposing the machine were nominated, but those Republicans were sadly disillusioned immediately after the primary when the two factions of the Democratic party buried the hatchet and united for the purpose of electing the straight Democratic ticket in the congressional elections in November. These Republicans were further disillusioned when they learned that under our election laws a voter who votes in a primary of one party cannot vote in the primary of the other party for two years. They are, therefore, barred from voting as Republicans in this year's primary, although the election of a Republican President may depend upon the type of candidate we nominate for mayor of Chicago.

"In spite of these facts, Republicans again are being urged to vote in the coming Democratic primary for the purpose of destroying the Democratic machine in the city of Chicago. They have been told that the candidate of the opposing Democratic faction is a nonpartisan candidate and will not build up a partisan organization. This is pure deception. He has always been a partisan politician and would build a Democratic organization for the purpose of electing a Democratic President in 1940, just as he made every effort to elect Democratic congressmen in 1938. He has filed for the nomination of mayor on the Democratic ticket. If he is nonpartisan, why did he not file as an independent candidate, which the law permits him to do? Republicans should also bear in mind that as the law is now interpreted, if they vote in the Democratic primary this year they cannot vote in the Republican primary in 1940. It is true that the Democratic county judge can change his interpretation of the law, but this would only be done, as it has been done in the past, if it is to be to the advantage of the Democratic party.

"The restoration and preservation of the American form of government depends upon the nomination of public officials by responsible political parties. Patriotic Republicans should not be misled again. They should vote in their own primary and choose the type of Republican candidate for mayor of Chicago whose very nomination will instill such faith and confidence in our party that we will carry Illinois in 1940 and elect a Republican President of the United States."[96]

The uncertainty as to the proper interpretation of the two-year period required in Illinois for changing party membership was re-

[96] Statement issued Jan. 8, 1939, quoted by Parke Brown in *Chicago Tribune*, Jan. 9, 1939, p. 3, cc. 6–7.

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moved by the state legislature of 1939, which shortened the period to twenty-three months.[97] In so doing, the legislature also apparently supported the view that party membership provisions should be construed loosely rather than strictly, that a Democrat of 1938 might be a Republican in 1940, again a Democrat in 1942, and so on. This would seem to play havoc with our two-party system, for there can hardly be fundamental differences between the parties if the party tie can rest so lightly on the voter. It is obviously assumed in the law, however, that a voter who switches his party actually has become converted to the principles of the other party and actually changes his party allegiance. The notable thing about the situations in Illinois, New Jersey, and other states, to which attention has been called, is that there is little, if any, suggestion of such actual conversion. The "one-day Republicans" in New Jersey are not thought of by the party leaders of either party, or by themselves, as Republicans at all, but as Democrats who participate temporarily with the Republican party; the Illinois Democrats who entered the Republican primary in 1927 and in 1931 to help nominate Mayor Thompson, and the Illinois Republicans who entered the Democratic primary in 1934 and 1938 to help smash the Kelly-Nash machine, were all the time considered Democrats and Republicans, respectively. This would seem to emphasize further the unreality of a two-party system so loose as this, or else the need for more effective legislation to protect that system from such loose practices.

[To be concluded in April]

[97] *Illinois Election Laws* (1939 ed.), p. 152 [par. 45].

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Legislative Control over Administration: Congress and the W.P.A. Under our Constitution, the national administration is an agent of the people acting through the Congress and the President. The legislature determines policies, establishes or authorizes the creation of administrative agencies, appropriates funds for their work, and attempts to control their operations by directions and limitations before and checks after the administration acts. But the establishment of controls at once effective and not unduly restrictive has become increasingly difficult as the business of government, legislative as well as administrative, has expanded and become more technical. Consultation with and advice to administrative agencies by citizens and their organizations are important, but they supplement rather than supplant legislative control, which remains the principal means for supervising the administration. The standard works on public administration discuss methods of control, but do not deal in detail with this relation between legislatures and particular agencies. The present analysis of congressional control of the Work Projects Administration has been undertaken in the belief that "case studies" may be useful for verification, modification, or contradiction of general propositions about legislative control of administration.[1]

W.P.A. was set up in 1935 to provide work on useful public projects for destitute employables; and by the end of its fifth year "the largest single administrative operation of civilian employment ever undertaken by this . . . government" had supplied jobs for more than eight million different people on over 250,000 projects at a cost of more than eight billion dollars. The law under which this agency was established was written largely by administrative officers and provided virtual *carte blanche* for expenditure of the original four-billion-dollar appropriation. Congressional willingness to allow broad administrative discretion was the result both of the prestige and political influence of the President and of the novelty and complexity of federal work relief. The more "liberal" Senate has shown greater sympathy toward W.P.A. than has the House; yet in both chambers from the beginning of the program there has been discussion of restraints upon and mandates to W.P.A. Their adoption was gradual, however, until the "militant" session of Congress in 1939. Some elaborations of law have been intended to protect the Administration from controversies with the General Accounting Office and litigation in the courts. Others have grown

[1] This is the first of what is planned as a series of such studies. It is based mainly on hearings, reports, debates, and statutes for the first ten work-relief appropriations made by Congress since 1935. On federal relief policies, see A. W. Macmahon, J. D. Millett, and G. Ogden, *The Administration of Federal Work Relief* (1941); an article in *Journal of Politics*, Vol. 2, pp. 321–335 (Aug., 1940); and a forthcoming volume by Paul Webbink.

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out of political maneuvers to discredit the New Deal. Most of the statutory controls, however, have been the product of growing distrust of administrative discretion, documented by verified or alleged misuses of authority, and were adopted during the period of declining presidential influence over Congress in Mr. Roosevelt's second term. Many lawmakers felt that the passing of emergency conditions permitted closer legislative control and that accumulated experience indicated its directions. Assurances of auto-improvement by unhappy W.P.A. administrators were considered by Congress inadequate to guarantee the reforms which it felt its obligations, dignity, and self-protection demanded.

I. MACHINERY OF CONTROL

Congressmen are the principal channel of effective complaints against and demands upon the Administration which are not settled directly by W.P.A. and citizens. A congressman who is the carrier of a grievance based sometimes on personal observation, but more often on reports from friends, constituents, and newspapers, may be able to negotiate a satisfactory settlement if the matter is within the discretion of the Administration. But statutory provisions may prevent the desired adjustment, or the legislator may feel that he is being given "the run-around," or W.P.A. may simply refuse for reasons of its own to comply with the request. In such cases, the legislator may appeal to Congress itself, through the committees, which may deny him "justice," or from the floor.

The committees are the principal instruments of congressional control of W.P.A. Most agencies of the government are supervised by both legislative and appropriations committees; but, although relief bills have been legislative rather than merely appropriation measures, W.P.A. has dealt only with the deficiency subcommittees of the appropriations committees. This monopoly over W.P.A. legislation results from the failure of Congress to write details of policy into the early relief laws, which, in substance, were mere grants of money, and from the persistent belief that unemployment relief is only a temporary function. If the federal work program is continued, and if Congress exercises control to the degree it does now, it would be advantageous both to the Administration and to the legislature to establish legislative committees on relief. W.P.A. then would not have to deal only with committees which are dominated by financial considerations. At the same time, the overburdened deficiency subcommittees which are concerned with the whole range of governmental activities would be relieved of some of their burden, while the proposed committees could give more thorough consideration to relief problems.

Hearings on the appropriation bills are the chief formal contact between Congress and W.P.A. Interrogation of administrators at times is poorly organized, but the printed hearings are studied by lawmakers in

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drafting legislation, and the melancholy fact remains that "there is so much you cannot remember the detail of it." The proceedings afford relief administrators an opportunity to give an "account of their stewardship" which is scrutinized by legislators expert in the subject-matter. The give and take of the hearings permits congressmen to size up the administrators, and to ask questions about and to hear explanations of the agency's work. Legislators also may use the occasion to press for revision of administrative rules. The most important function of the hearings is to educate committee members, and to supply them with the raw material, including administrative recommendations, from which legislation is prepared. The relief agency has a legitimate interest in problems of administration, and Congress has often, but not always, given heed to its suggestions on procedures to carry out policies. Recommendations of W.P.A. on matters of policy have been less influential. Frequently it has suggested the superiority of administrative discretion, which it has offered to employ in line with legislative opinion. This strategy sometimes is successful in warding off statutory controls, but a legislator is apt to feel that "it would be safer to put it in the law."

In control of W.P.A. through statutes,[2] congressmen are inclined to follow the advice of committees. Amendments from the floor are not infrequent and are useful for overcoming possible committee antagonism or favoritism toward an administrative agency. Their value, however, is limited by the haste and restricted debate of a legislature swamped by the business of a "positive" state. Even if a congressman may secure information and opinions from administrative officers, intelligent control over administration can be exercised better by committees which can deliberate and formulate collective judgments about matters with which they have dealt intimately over a period of years.[3]

Hearings are the main source of legislative information about administration, but they are supplemented by periodic presidential reports to

[2] Administrators resort to various procedures in construing statutes. Where court litigation is involved, an administrator, of course, is bound by the decision; so, too, for practical purposes, with opinions of the Comptroller-General. Otherwise, the administrative officer is left to his own devices; but he is not entirely unguided, for there are expressions of legislative intention in the hearings, in committee reports, and in debates. Also, he may secure advice from counsel of his own agency or from the Department of Justice. A senator complains that "in order to hold down the departments you have to tie them both hands and feet, and draw an amendment containing limitations out of which they cannot wiggle."

[3] "When amendments are offered on the floor . . . it is difficult to determine definitely how far-reaching and sweeping their effect may be. . . . Should we not sit down with the people who have to administer relief and find out something about the problems involved, go into it in a logical and orderly way?", 84 *Cong. Rec.* 333, 335.

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Congress on the relief agency's obligations[4] and by the annual report of W.P.A. to the Chief Executive, copies of which are sent to congressmen. These documents possibly have some utility in requiring W.P.A. to take inventory of its operations, but they have not been very useful devices to enlighten Congress, which might well consider improvement of reports on administrative activities. W.P.A. also is subject to supervision by the Comptroller-General. It should be noted, however, that most of the relief acts have contained broad statements of policy and liberal grants of administrative discretion; and internal difficulties in the General Accounting Office in recent years have reduced its effectiveness as an aid to Congress. Finally, Congress has set up special committees whose investigations into W.P.A. operations are discussed below in the section on abuses.

II. PROBLEMS OF CONTROL

Administration. W.P.A.'s uncertain existence as an organization has depended upon passage of the annual relief appropriation bills. If the federal program continues, it would seem desirable to enact a "substantive law" for work relief, so that Congress and W.P.A. could enjoy whatever advantages inhere in the stability of "permanent status"—terminable at congressional will. W.P.A. has almost complete freedom from statutory control over organization, and it has made good use of its authority in reducing the number of field offices, partly to adapt the program to the shifts in geographic distribution of relief needs, and partly to enable it to operate within the limits of sharply reduced recent authorizations for administrative expenses. In contrast, the 1940 Congress, solicitous for "efficiency," local vendors, and employees in the unclassified service, prohibited regionalization of Treasury offices which serve W.P.A.: "God made the Tennessee River, but he did not make these regional offices." The federal organization practices extensive deconcentration by providing for certification of relief workers and initiation of projects by local governments, although it reserves and exercises authority to reject both. Congress can exercise closer control and probably can get more for its money from a centralized organization than from one which is decentralized. Under the latter, it would be more difficult to maintain such uniform and improved standards of operation as W.P.A. has been able to achieve; it would not be easy to suspend grants to enforce compliance with federal requirements, since relief workers rather than officials would bear the brunt of punishment; and it is doubtful, at best, whether political abuses would decline, for W.P.A.'s principal difficulties of this sort have come from local politicians.

[4] How detailed should reports be? The 1938 law required the report to be made on "projects." The result was a document of dimensions 16″×24″×6′. No wonder Congress reverted promptly to the earlier requirement of information merely by "classes of projects."

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Congress has been more interested in and has exercised greater control over administrative personnel than over organization of W.P.A. Administrator Harrington protested and the House has resisted, but the Senate has insisted successfully on confirmation of appointments to positions paying $5,000 or more a year, which include nearly all the state administrators, who, in turn, appoint their subordinates. In appointments to positions which do not require senatorial approval, administrative admission is that "considerable consideration" is given to recommendations of senators, representatives, and governors if they are based on competence "and not upon the idea of getting somebody in our organization who will be answerable to the person who recommends him." Current law also requires W.P.A. to transmit to Congress at the beginning of each session a statement showing for each state "the names, addresses, positions, and compensation of all employees" paid at the rate of $1,200 or more a year. Mr. Roosevelt attempted in 1938 to cover W.P.A. administrative employees into the classified service after non-competitive examinations, but Congress early in 1939 forbade application of his executive order to positions with salaries paid from relief appropriations and repeated this injunction in the Ramspeck Act of 1940. Congressional objections, chiefly in the House, were that the President's proposal would tend to make W.P.A. a permanent agency; that it would "blanket under civil service the personnel set-up which has been made by the Senate" and employees who "have been guilty of misconduct in many cases"; that people who might succeed in open competition would be barred from employment; and that constituents might fail to secure employment if eligible lists were made up from the whole country. Yet the House committee which opposed classified status reported that "the success and cleanness of W.P.A. must depend almost entirely upon its administrative personnel and management." Congressmen's interests are not always synonymous with good administration of Congress's policies. A merit system is preferable to current arrangements and should be established even if W.P.A. is continued only "temporarily." Its absence undermines public confidence, opens the way to political abuses, and reduces the efficiency of a program which expends huge sums of money and affects intimately the lives of millions of people.

Residence of administrative employees has been a bone of contention between congressmen and W.P.A. Senators, especially, have criticized the "vicious and inexcusable" employment of out-state people who are alleged to be less efficient than ample numbers of competent residents familiar with local conditions. They complain that "carpetbagging" has deprived states of their just dues in distribution of high-salaried positions. At one time, Congress required administrative employees to be residents of the regions and intra-state districts in which they were employed, but later it limited this condition to state residence. In all cases, however, the

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law has contained the saving clause that the requirement should apply only "so far as not inconsistent with efficient administration." Legally, the provision is "merely directory . . . rather than an inhibition or a limitation," but W.P.A. takes into consideration legislative sentiment and reports that local residence is the general rule.

All the relief acts have listed the uses for which administrative expenditures may be made, but not until 1937 did Congress limit the amount which might be spent for these purposes, among which salaries, communication service, travel, and printing and binding have been subjected to a great deal of congressional criticism. The House Committee on Appropriations has recognized W.P.A.'s "success in curtailment of administrative expenses," which have run between 3.5 and 5 per cent. Yet it "has been insistent that these costs have been too high," and has reduced recent authorizations drastically, while few congressmen have defended W.P.A. on this score. The House has paid little heed to persuasive administrative protests that the limitations have endangered efficient administration, but the Senate has forced some modification of the reductions.

Appropriations. Determination of amounts to be voted for work relief has been difficult, for, in addition to the usual question of optimum distribution of limited revenues by legislatures reluctant to levy new taxes, if not to borrow, W.P.A. appropriations have been based on confused policies of federal obligation, entangled in conflicting theories of spending and budget-balancing as roads to economic recovery, affected by belief that relief money has been used for political "slush funds," and based on the imponderables of economic prediction. Given decision on the number to be employed, however, projection of fiscal estimates is comparatively simple, because unit costs of employment have become stabilized, especially since statutes now control work-relief wages and expenditures for other-than-labor costs and administration: It is a matter of multiplication —or division.

Except on two occasions when small reductions were made, Congress has finally granted the amount requested by the President for work relief. The Chief Executive's success has been due to his influence with Congress, to his compromises with legislators who have wanted to cut his estimates, to the considerable but minority sentiment for larger relief funds, and not a little to the fact that so much conjecture is involved: "We must trust somebody. I do not know." Legislators, of course, have a responsibility for determining whether administrative estimates are inadequate, as they have been more than once, or inflated as many congressmen charge. The confidence of some members in budget figures has been undermined by suspicion that they are influenced by vested interests of administrative employees, local officials, and relief workers; that "spending" theories

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warp judgment; and that estimates of unexpended balances have been inaccurate. In the end, however, it becomes for most congressmen a question of whose opinion to accept: They look to and are asked to follow committee recommendations; the committees, in turn, rely heavily on the relief administrators' "best judgment." As with other estimates, intelligent legislative control of administration would be strengthened if the Appropriations Committees were staffed better with experts whose researches would reduce the dependence of Congress on data submitted by the Budget Bureau and administrators.

Congress has resorted to several devices to tighten its control over W.P.A. appropriations. Under the early laws, the President determined distribution of funds among the several work-relief agencies. This arrangement permitted a flexibility which was valuable in 1935–36 when there was indecision about the relative emphasis to be given to public works and work relief—an issue which might have been settled by Congress. Since 1938, appropriations have been made directly to the agencies involved. Administrators may be encouraged to economize if Congress reappropriates, or at least does not reduce the next appropriation request. But legislative sympathy, to be effective, need not extend to self-confusion, as it did in 1937 when funds remaining from seven earlier laws were made available to W.P.A. Since then, reappropriations have been limited to the last annual appropriation and subsequent acts. In 1939, another loophole in legislative control was plugged by the requirement that receipts from operations be covered into the Treasury instead of being used as revolving funds. This provision was directed at small income from theater admissions, but it has broader application.

Surpluses have never troubled W.P.A. Instead, Congress has enacted a law, in 1939 two laws, for additional relief funds every year except one. The root of the problem lies in the difficulty of forecasting relief needs. But Congress has sought protection against deficiencies. First, the appropriations in 1938 and 1940 were made for less than a full year. This arrangement gives the legislature an opportunity to reëxamine the situation current with exhaustion of funds, and thus reduces the hazards of economic prediction. Attendant disadvantages, however, are that the labors of legislators already overburdened are multiplied, and that difficulties are added to W.P.A. negotiations with sponsors and work program planning and operation. The Senate in 1940 defeated a House proposal to establish a schedule of maximum employment for the months July through November, which was intended to prevent requests for additional funds and to guard against repetition of alleged expansion of relief rolls to influence election results. Finally, relief laws since 1937 have "called the attention" of administrators to the antideficiency statute by a section which requires that appropriations "shall be so apportioned and dis-

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tributed . . . as to constitute the total amount that will be furnished during such fiscal year [eight months in two cases] for relief purposes." It was said that this provision would provide W.P.A. with "a bulwark and protection against which they might stand when high-pressure groups bore down upon them to increase certain allotments." The main object, however, was to protect a Congress "distressed" by requests for deficiency appropriations, and to increase its control of the purse by preventing W.P.A. from spending too much in the early part of the fiscal year. The relief administrators have accepted this provision without enthusiasm, but attempts to repeal it have been unsuccessful in spite of the contention that it causes them "to delay or refrain from spending the money as it is needed because [they] might be uncertain whether or not [they] would get additional money which would be needed." This, however, was the case before, and the President has not hesitated to ask additional funds since the adoption of this section.

Distribution of relief funds among the states has been a constant source of congressional irritation with W.P.A. Administrators have emphasized the advantages of discretion, but congressmen complain that administrative practice has encouraged padding of relief rolls and that it has resulted in political abuses and discriminations among states. Serious difficulties have been encountered by those who have tried to devise a statutory formula, but if a satisfactory one could be worked out, its enactment would increase control and raise confidence in relief administration. Meanwhile, Congress has adopted two other provisions to insure more equal treatment of the states. The first, with some exceptions, limits to six dollars per man per month the amount which W.P.A. may spend in a state for other-than-labor costs. The second, adopted in 1939 after several years of discussion, requires sponsors' contributions—calculated by rules set by the W.P.A. administrator rather than by the Comptroller-General —to average at least 25 per cent of the costs of projects in any state. The relief administrators argued that relief needs and financial resources are too varied to justify a formula so rigid; that administrative action (with an ear, no doubt, to congressional complaints) had raised contributions substantially and would continue to do so; that the limit on other-than-labor costs was sufficient protection to the Federal Treasury, which bears the cost of relief wages; and that numerous administrative difficulties would result. Congressmen, however, were concerned not only with the national average of sponsors' contributions (about 19 per cent in 1938–39), but also with "equal justice" for the states. They have succeeded in securing more uniform sponsors' contributions, although the increase has made it difficult for some communities to participate in the work-relief program. It was said in Congress that negotiations with project sponsors would be simplified if the statutes contained this guide or "stabilizing

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influence" for the Administration. But state administrators still are faced with the problem of deciding on which particular projects less than 25 per cent shall be accepted or more required to maintain the minimum state contribution. In 1940, Congress excepted from this rule certain national defense projects and temporary projects to avert dangers from "acts of God."

Projects. Most congressional controls over W.P.A. projects have been negative rather than affirmative. Until 1939, the relief acts set a maximum for the amounts which might be spent for projects, divided first into eight, later into three, categories. This procedure was ineffective as a device to control the Administration. The "elastic" breakdown, based on W.P.A. recommendations, was not a mandate but merely an authorization—with some "moral" force; the inclusion of "the little word 'miscellaneous' " broadened discretion, though it appears not to have been abused; and the President was allowed to transfer funds among groups of projects. Congress finally abandoned this face-saving pretext of direction and contented itself with expanding and contracting a list of projects upon which relief funds might be spent. The President's insistence is partly responsible for this practice, but the basic explanation lies in the nature of the work-relief program: Nearly all W.P.A. projects are initiated, not by federal agencies, but by local and state governments, whose needs and resources vary widely; and the work must be adapted to the geographical distribution and the skills of people on relief. Obviously, flexibility is essential if the work program is to be adjusted to constantly changing relief conditions.

Congressional attempts to earmark relief funds in order, *inter alia*, to avoid appropriations that are "a pig in a poke" have been highly unsuccessful. The President's defense of vagueness in 1935 was that "it is only because of the current emergency of unemployment and because of the physical impossibility of surveying, weighing, and testing each and every project that a segregation of items is clearly impossible at the moment."[5] Other considerations which smoothed the way to victory for the Executive were the fear of delay in, or impossibility of, detailed earmarking; the citation of precedents for lump sum appropriations; the confidence in the President of a Congress fresh from the overwhelmingly Democratic elections of 1934; and probably the use of patronage. Another serious controversy occurred in 1937 when congressmen sought to do as well as possible by their constituents in the face of revenues below expectations and a rare call from President Roosevelt for economy. The

[5] 79 *Cong. Rec.* 907. The "bob-tail" House hearings covered 48 pages, the Senate's 190 pages. "What a committee! Abdicating all questioning as to expenditure of $4,000,000,000 and then subjecting all other officials to the very minutiae of their expenditures" down to lead pencils! *Ibid.* 928.

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House earmarked for flood control, roads, and P.W.A. projects one-third of the appropriation intended for W.P.A. It was argued that the emergency which justified earlier delegations of authority had passed, and that Congress ought to resume closer control over expenditures; that the relief administration could not be trusted with such large sums (though a billion remained unearmarked); that legislators should not have to plead with administrators to get funds for their districts; and that congressmen from the "grass roots" know how money can be spent to best advantage. The chief objections to earmarking were that diversion of money already inadequate would mean less work for needy employables; that it would inject undesirable rigidity into the work-relief program; and that the bill would become a "pork barrel" measure. Legislative leaders persuaded representatives to delay final action until they could negotiate a compromise with the President. The House "cooled off" while the "heat was turned on," and the pleas of leaders, coupled with the Administration's prestige, political pressure, and promises that administrative action would supply the substance of what was sought by statute, induced congressmen to "de-earmark" the relief bill.

As a result of specific abuses, or as insurance against them, Congress has clarified statutory language to include some projects and to limit or prohibit others. Much discussion has centered on federal projects which employ relief labor with funds transferred from W.P.A. It is to the advantage of the national government to use its revenues on its own work; but congressmen complain that federal agencies escape legislative control through scrutiny of requests for funds, since W.P.A. acts, in effect, as an appropriating agency. In defense, the relief administrators have testified that W.P.A. undertakes no project expressly or impliedly disapproved by Congress; that the Budget Bureau considers money other agencies receive through W.P.A.; and W.P.A. has informed the Appropriations Committees about federal work relief projects. A related problem is commitment of the government to long-term obligations as a result of construction financed with relief funds. This involves costs of maintenance and of project completion. The latter difficulty came to a head in 1936 after the President had allocated funds to begin construction of the Florida Ship Canal and the Passamaquoddy Dam, which Congress disapproved. To protect the legislature against recurrence of such cases, subsequent laws have contained "a rather comforting provision" that "no federal project shall be undertaken or prosecuted under the foregoing appropriation unless and until an amount sufficient for its completion has been allocated and irrevocably set aside." A similar provision applies to state and local projects. Several of the laws since 1935 have forbidden expenditure of relief appropriations for armaments and munitions. About 275 million dollars of the 1933 public works appropriation had been allocated

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to the Navy, and there were reports that the Army would receive 400 million dollars of the 1935 relief fund. Congressmen argued: "If we are going to appropriate money to build warships, let us do it out in the open so that we will know where it is being spent." Other statutory provisions are directed against competition with private industries, to pressures from which, especially building contractors and trade unions, congressmen have been sensitive. Also, since 1939 theater projects have been banned despite administrative promises of reform and support of actors and drama critics. Congressmen believed they were too expensive and "subversive" and engaged in propaganda against opponents of the New Deal: "The W.P.A. permits persons to ridicule certain senators . . . It is not the right thing to do . . . It is a very short-sighted policy"—which proved, indeed, to be the case.

Employment. In order to correct administrative practices which it has disapproved and in response to demands of pressure groups, Congress gradually has restricted W.P.A.'s earlier broad discretion by establishing several statutory criteria for admission to and removal from relief employment rolls. It prohibited employment of aliens despite Administrator Hopkins' opposition; but it was more responsive to his recommendations on methods of administering the provision. A section which forbids payment of compensation to persons who advocate overthrow of the government was directed at alleged employment by W.P.A. of "subversive elements"—an unfair criticism, since the relief laws prohibited political discrimination. Dissatisfied with Administrator Harrington's conclusion that he could name no organization which came within this restriction, Congress revised the language to ban by name Communists and members of Nazi Bund organizations. On another occasion, W.P.A. thought congressional policies warranted an administrative rule that people eligible for benefits under the Social Security Act should not be employed on work relief. Congress disagreed with this interpretation of its intentions and overruled W.P.A. by forbidding application of the rule. Over Mr. Hopkins' objection to the policy, veterans have been given preference in relief employment; and despite administrative difficulties, this advantage has been extended to their widows and to wives of destitute unemployable veterans. W.P.A. also is directed to employ people according to their "relative need." In order to simplify execution of the policy, the relief administration, with the apparent approval of Congress, has set up only two categories of need.

Recent statutes have regulated removal from relief rolls, about which earlier laws were silent. To distribute more widely the limited work-relief appropriations and to remove "career" workers from W.P.A. rolls, Congress has imposed a system of rotation in employment which is somewhat disruptive of efficient operation of projects and is more rigid than one

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suggested by W.P.A. in anticipation of legislative demands. Legislators believed that W.P.A. workers were making a career of the dubious security of relief and that the Administration had been lax in weeding out undeserving employees. So Congress has incorporated into statutes, and perhaps has strengthened, an administrative rule that relief workers must accept bona fide offers of private employment under reasonable working conditions. Also, Congress became dissatisfied with the occasional checks made by W.P.A. of relief workers' economic status. It now requires W.P.A. to make periodic reëxamination of the case of each relief worker and to remove those not found to be in actual need.

Earnings. Complaints that work-relief earnings have not kept pace with rising costs of living would be directed more appropriately to Congress than to W.P.A., since limited appropriations have meant that wages could be increased only by reducing the number of workers employed, and recently Congress has controlled earnings directly. W.P.A. workers receive a "security wage" which varies with their skill, the geographic section in which they live, and the degree of urbanization of their community. In the earlier laws, Congress authorized the President or the Administrator to fix wages; but later it "froze" the wage schedule so that it should "not substantially affect the current national average labor cost per person," about $55 a month. W.P.A. still may revise earnings of relief workers within this limitation. Criticism of geographical differentials led Congress to direct increase of earnings of Southern workers, though substantial differences remain. Threat of presidential veto in 1935 caused the Senate to reverse its vote in favor of a prevailing wage requirement which it had adopted at the insistence of organized labor that the decision should not be left to administrative discretion. Legislative leaders expressed faith in the President, and he in business men, but others preferred the comfort of statutory language. In 1936, Administrator Hopkins said that "you change your point of view in a thing like this as a result of a year's experience," and Congress made the prevailing wage mandatory, though not without criticisms of the Administration's inconsistency which had embarrassed some of its legislative supporters in their relations with trade union constituents. Then, in 1939, on Colonel Harrington's recommendation, Congress repealed the prevailing wage and required W.P.A. employees to work 130 hours a month for their security wage. This change simplified administration and increased efficiency of the work program, which had suffered from the earlier practice of employing workers of different skills for varying numbers of hours each month, so that it was difficult to dove-tail their employment.

Abuses. The persistence of demands for investigations of W.P.A. since 1936 is evidence of congressional dissatisfaction with ordinary methods for control of administration. Intervention in the administrative process by members, the appropriations committees, statutory restrictions and direc-

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tions, reports and audits all have seemed inadequate for dealing with problems of policy-making and charges of political abuse and administrative mismanagement. Legislators have been skeptical of self-scrutiny by W.P.A.'s division of investigation, whose work one of them likened to "sending 'Baby Face' Nelson to investigate Dillinger." Nor have the committees on expenditures been effective as instruments of control. Republicans charge that the House committee "has not been permitted to function. . . . It is not a policy of this Administration to have expenditures investigated." The chairman of the committee replies that it is inactive because it has no investigators, no funds, and no authority to require anyone but government employees to testify—which, however, might have been employed. On the theory that "any representative government ought to live in a bird cage," two special committees have been set up by the Senate and another by the House to investigate W.P.A. The Committee on Unemployment and Relief, headed by Senator Byrnes, was concerned with broad questions of policy and "studiously refrained from entering into any investigation or discussion of irregularities [or] misuse of relief funds."[6] Some of the committee's recommendations were adopted, others ignored, and most of them have been discussed above.

Political abuses rank first among complaints against W.P.A. administration, not only in congressional, but also in public, opinion. These charges were well summarized in the report of a committee of which Senator Sheppard was chairman.[7] It concluded that "there has been in several states, and in many forms, unjustifiable political activity" in the W.P.A. program. Its findings weighed heavily in the balance against blanket denials and minimizations of political abuses by officials of W.P.A. and its friends in Congress. It should be added, however, that high-ranking W.P.A. administrators have not been implicated directly, and that a large share of the trouble must be attributed to people outside the organization—including congressmen. Even so, the need for remedial measures was obvious. The relief laws have dealt from the beginning with problems such as fraud and discrimination. In 1938, when New Dealers were trying to "purge" conservative congressmen, senators waxed very indignant over Administrator Hopkins' political speeches[8] and came within a few

[6] Special Senate Committee to Investigate Unemployment and Relief, S. Res. 36, 75th Cong., 1st Sess.; three volumes of hearings, 1938 and 1939, and two reports, Sen. Rep. No. 1625, 75th Cong., 3d Sess., and Sen. Rep. No. 2, 76th Cong., 1st Sess.

[7] Special Committee to Investigate Senatorial Campaign Expenditures and Use of Governmental Funds in 1938, S. Res. 283, 290, 75th Cong., 3d Sess.; Sen. Rep. No. 1, two parts, 76th Cong., 1st Sess. See also *Nomination of Harry L. Hopkins to be Secretary of Commerce*, Hearings before the Senate Committee on Commerce, 76th Cong., 1st Sess. (1939).

[8] "We are voting them money. We stick our heads in the noose, and then beg for our lives. . . . They propose to use the money which we appropriate for the purpose of eliminating us. . . . We will meet them at Philippi. . . ." 83 *Cong. Rec.* 7704.

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votes of applying to W.P.A. the civil service rules against political activity by administrative employees. After the election of 1938, Mr. Hopkins became Secretary of Commerce, to take him "out of the line of fire in the future investigations of the W.P.A.," according to Republicans; and Colonel Harrington, an army engineer who had been chief of its operations division, was appointed W.P.A. administrator. President Roosevelt, somewhat tardily, on January 5, 1939, anticipated legislative action by recommending "rigid statutory regulations and penalties" against "improper political practices." Shortly thereafter, Congress adopted a series of amendments introduced by Senator Hatch which seem to go about as far as legislation can go toward eliminating political abuses in the relief program. The matter now is one for administrative action by W.P.A. and prosecution by the Department of Justice.

Unlike the Senate committees, the House committee headed by Representative Woodrum focused its attention on problems of administrative management. Opponents of the inquiry contended that it was intended to discredit W.P.A. and the New Deal, but the House voted overwhelmingly to establish the committee. Its supporters argued that it was high time to take inventory of the uses to which W.P.A. had put its broad authority under earlier relief acts, and to prepare legislation to circumscribe its discretion if charges of mismanagement proved well-founded. On the assumption that the committee dealing regularly with an administrative agency is best qualified by background and experience to conduct an investigation into its affairs, the deficiencies subcommittee of the House was named to make the study and was given power to subpoena witnesses. It pursued its inquiry during 1939–1940, except for interruptions required for consideration of appropriation bills. Early in its proceedings, the President defended the administration of W.P.A. against critics who "seek to delude" the people into believing that "the minor exception" of a "handful of instances" is the rule, and he expressed the hope "that this investigation will be guided along constructive lines."[9] The committee, however, concentrated on criticisms, arguing that it required no investigation to find "very many fine things" in W.P.A.

The validity, as distinguished from the influence, of an investigating committee's findings and conclusions will be affected by the mind-set and competence of its members and investigators. On this matter, contra-

[9] 84 *Cong. Rec.* 4886–7. Representative Wigglesworth complained that Colonel Harrington did not exhibit "a spirit of contrition." According to Representative Engel, a New York W.P.A. administrator, "in order to show his contempt for the investigators and apparently for the committee, sent each of the two investigators a little silver ball with a little silver screw, indicating he thought they were screwballs. . . . When the committee got through . . . no more . . . screwballs were being sent." *Ibid.* 7228.

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dictory congressional opinions cross party lines but hew closely to the division over the New Deal. Judgment may be left to lawyers, but laymen probably will agree that "investigating committees seldom commend anyone for good work." About the influence of the committee, however, there is no doubt. Representative Woodrum said that there was no question of honesty or integrity, that "our investigation has not revealed anything to the contrary," but the committee had many criticisms to make.

"Abuses," it said, "existed more pronouncedly in the earlier years of the program when it apparently seemed more necessary to give unemployed and hungry people something to do than it was to develop the program slowly and furnish general relief along with it until a sound operation could be developed. Much of the criticism of W.P.A., aside from that arising from political activity, has resulted from the precipitate inauguration of the program. Inherent weaknesses of administration, both of organization and management methods, had opportunity to become rooted and their elimination has been difficult and slow. The investigation has divulged many past misdeeds. . . . The category runs all the way from minor abuses to major offenses. The chief sources of abuse of public funds occur in the improvement of private property at public expense, the lack of proper supervision, the employment of persons not in need, the operation of projects of doubtful public utility, padded sponsors' contributions, purchase of excess of equipment and hire of equipment at excess rates, operation of projects on which a high percentage of non-relief labor is required, etc."[10]

In its capacity as an appropriations committee, the committee wrote into the 1939 and 1940 laws numerous restrictions and directions to "improve the efficiency of the W.P.A. organization and to protect the expenditure of funds . . . for work relief." The committee concluded, not unexpectedly, that the investigation had been worth while, and reported definite improvement in operation of the work-relief program which it attributed to the inquiry and the legislation resulting from it, Colonel Harrington's management, the anti-politics amendments, and the reorganization of 1939.

[10] House Report No. 2187, 76th Cong., 3d Sess., p. 4. For an earlier summary of the hearings, published in four volumes, 1939 and 1940, see House Rep. No. 833, 76th Cong., 1st Sess. For debate on H. Res. 130, 75th Cong., 3d Sess., "directing the Committee on Appropriations of the House to conduct an investigation and study of the Works Progress Administration [as it was then called] as a basis for legislation," see 84 *Cong. Rec.* 3368–3375. The committee's report noted that it "still has funds available and is still authorized to pursue its investigation until the close of the present Congress. As occasion arises, it will exercise that authority." The *New York Times* reported on April 3, 1940, that some members of the committee had threatened to reopen the investigation if relief estimates exceeded the January budget figure.

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Conclusion. Much of the friction between Congress and W.P.A. has been the result of defective legislation. It is a common complaint that legislatures control administration in too great detail. This is a valid criticism of some recent statutory provisions on W.P.A., but at the outset Congress did not go far enough. In most instances, the difficulties discussed above have been the result of honest differences of opinion and could have been avoided if Congress had legislated more carefully in the early stages of the work program. It is true that Congress believed that the need for unemployment relief was only temporary, but there was no real necessity for the failure of the Administration to provide legislators with specifications for the program or for the hasty, uncritical action of the House majority, especially in 1935. It is true also that it is difficult to write legislation for a new program; but there were two years of experience with work relief under F.E.R.A. and C.W.A. to which Congress might have looked for guidance. Instead, decisions were shunted to W.P.A., which was given broad discretion in spending relief funds—in which it was influenced by individual legislators. Criticisms of W.P.A. mounted. Meanwhile, the governmental center of gravity again was moving from the Chief Executive to the legislature. Then Congress began to intercede and to define more closely both policies and methods of administration. When Congress has acted, charges of deliberate violation of its intentions have been very rare. If it is agreed that it is proper for the legislature to determine policies, there can be little quarrel with congressional rather than administrative decisions on appropriations, projects, employment, and earnings. On many matters, it must be admitted, W.P.A. had been more "liberal" than Congress, but that is a possibility inherent in a democratic government which seeks to maintain a responsible administration. It is for Congress, also, to determine if it will provide the conditions conducive to good administration. As explained above, it has done so in decreasing degree in matters of organization, administrative expense authorizations, and personnel. And Congress has often, if not always, followed W.P.A.'s recommendations on administrative procedure.

The experience of Congress with W.P.A. suggests that legislative control is affected by the influence of the President with Congress and by the conceptions both entertain of the respective rôles of the legislature and the administration. Administrators are inclined to prefer discretionary authority, but they may seek legislation to protect themselves from criticism —just as legislators may try to "pass the buck." Statutory controls tend to vary inversely with the confidence of the legislature in an administrative agency. More authority is apt to be delegated in an emergency than in "normal" times, and in functions considered temporary than in those regarded as permanent. Novelty of a function tends to reduce, while experience with it tends to increase, legislative control, since practice clarifies

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both policies and their execution. As the political strength of interested pressure groups increases, so do statutory controls, especially those which provide special privileges. The intervention of legislators in an agency's work varies directly with the number of its appointments not in the classified service and with the amount of funds it distributes. The attitudes of congressmen, especially of committee members, toward the policies an agency administers are significant, for fine words may conceal the crippling effects of legislation on administration. Finally, it seems easier for the legislature to impose negative prohibitions than to devise or to secure satisfactory enforcement of affirmative mandates. Enumeration of these factors suggests the complexity of considerations which enter into the determination of the extent and character of legislative controls of particular administrative agencies. It will be time enough later, after studies such as this have been made of other service as well as regulatory agencies, to generalize anew about the relationship between the legislature and the administration.

ELIAS HUZAR.

Cornell University.

The Personnel of the Seventy-seventh Congress. Rarely in history has a legislative body been confronted with problems, the implications of which are so far-reaching, the solutions of which are so important to civilization, as is the present American Congress. The questions with which the Seventy-seventh Congress has to cope include national defense, civil liberties in times of crisis, fundamental labor policies, forms of taxation, and possibly monetary standards.

With such problems before the country, one question becomes of tremendous importance: Who are the men responsible for solving them? What has been their past experience? What is their predisposition toward current issues? Are they representative Americans, qualified by education and training to deal with the problems before them? Will their methods of solution be in harmony with traditional policies of this country and within the framework of its government? An analysis of the background of the legislators may help to answer these questions. For purposes of such a study, a questionnaire was sent to all congressmen, and the data thus obtained were supplemented by material in current biographical dictionaries.

Age: A survey of the facts reveals, first of all, that the majority of America's national lawmakers are past middle age. Seventy per cent of them are between the ages of forty-five and sixty-nine. The average age of the representatives is fifty-two; of the senators, fifty-eight. But perhaps the median age is more significant. Half of the men in the lower house are fifty years of age or over; half of the senators, fifty-seven or over. If the

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common adage that youth alone seeks rapid change is correct, these men will be cautious and will not be disposed to make radical changes that can be avoided.

Place of Birth: It is also significant that most of the congressmen have spent their entire lives in America. All but a few were born in the United

TABLE I. AGE

Age	*Representatives*		*Senators*		*Representatives and Senators*	
	Number	*Per Cent*	*Number*	*Per Cent*	*Number*	*Per Cent*
25–29	4	1	0	0	4	1
30–34	13	3	0	0	13	2
35–39	38	9	4	4	42	8
40–44	59	14	6	6	65	12
45–49	88	20	12	12	100	19
50–54	69	16	15	16	84	16
55–59	52	12	12	12	64	12
60–64	48	11	20	21	68	13
65–69	36	8	16	17	52	10
70–74	15	3	5	5	20	4
75–79	4	1	3	3	7	1
80–84	3	1	1	1	4	1
85–89	0	0	1	1	1	0.2
Unknown	6	1	1	1	7	1

States or its territories, and two-thirds of them were born in the state which they now represent. Those who were born in other states or countries almost invariably moved to their present locality at an early age. These men not only know American traditions and attitudes, but they

TABLE II. PLACE OF BIRTH

	Born in the State Represented	*Born in Other States*	*Foreign Born**	*Unknown*
Representatives	309	104	20	2
Senators	65	28	3	0
Representatives and Senators	374	132	23	2

* The foreign-born representatives were born in the following countries: Austria 2, British Isles 5, Canada 2, Czechoslovakia 1, Germany 2, Ireland 1, Italy 1, Norway 1, Poland 2, Russia 2, Sweden 1. The foreign-born senators were born in Canada 1, Germany 1, Wales 1.

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also know the *mores* of the section which they represent. There is no evidence in Table II that they would wish to deviate from the established American manner of life and create a new politico-economic order.

Religion: The fact that Congress is composed of men of religious faith may lend security to the people who fear that the paganism of European dictatorship is undermining this country or that the basic American tenet

TABLE III. RELIGIOUS AFFILIATION

Religious Affiliation	*Representatives*		*Senators*		*Representatives and Senators*	
	Number	*Per Cent*	*Number*	*Per Cent*	*Number*	*Per Cent*
Roman Catholic	86	20	11	11	97	18
Protestant	306	70	74	77	380	71
Methodist	72	17	21	22	93	18
Presbyterian	58	13	11	11	69	13
Baptist	50	11	10	10	60	11
Episcopalian	47	11	10	10	57	11
Lutheran	16	4	2	2	18	3
Disciple	15	3	2	2	17	3
Congregational	14	3	7	7	21	4
Unitarian	6	1	1	1	7	1
Univeralist	3	1	0	0	3	1
Christian Reform	1	0	0	0	1	0
Evangelist Reform	1	0	0	0	1	0
Not specified	23	5	10	10	33	6
Jewish	7	2	0	0	7	1
Christian Science	2	0	1	1	3	1
Latter-Day Saints	2	0	2	2	4	1
Moravian	1	0	0	0	1	0
Quaker	0	0	1	1	1	0
No religious affiliation	4	1	4	4	8	2
Unknown	27	6	3	3	30	6
Total	435	100	96	100	531	100

of religious tolerance is about to be abandoned. All of the large religious denominations found in the nation are represented. Although experience in Germany and other dictatorship countries has proved that such a body is not a guarantee against the death of religious freedom, yet it should constitute a strong bulwark against legalized intolerance.

Up to this point, it might appear that all types of Americans are equitably represented in congressional halls; i.e., congressmen, on the whole, are representative of all ages (although the representation is weighted on the elderly side), and they represent all sections of the country and practically all religions. Beyond this point the generalization fails.

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Educational advantage, vocations, and former or present economic affiliations tend to place the preponderance of congressmen in the more privileged classes.

Education: Eighty-eight per cent have attended colleges, professional schools, or both. No figures are available on the percentage of American citizens who have enjoyed such opportunities, but it is obvious that congressmen do not represent a cross section of the American public in this respect. This greater educational experience should give the legislators a broader knowledge upon which to base judgment and a deeper understanding of many of the problems before them, but it does not make them typical of the average American or necessarily cognizant of the problems of the untrained.

TABLE IV. FORMAL EDUCATION

	Highest School Attended					
	Elementary School	*High School*	*Business College*	*College*	*Professional School*	*Unknown*
Representatives	1	36	14	98	282	4
Senators	1	9	1	18	66	1
Representatives and Senators	2	45	15	116	348	5
Per cent of Representatives and Senators	0.4	8	3	22	66	1

Note: For purposes of this table, all who attended a school or college are listed even though they did not complete the course. In most cases, those who attended a professional school were also college men, but this may not be true in all cases.

Political Experience: Most of the men in Congress had years of governmental experience before they entered the national legislative body. One hundred and twenty-five representatives and ten senators failed to indicate that they had held public office before they were elected to their present positions.[1] Of these, four senators and sixteen representatives are serving their first term; all the others are now experienced legislators. This means that nearly all of the congressmen have held positions of public trust for some years. Over one-fourth of the present members have served as lawmakers in a state legislative body; one-fifth have represented their government before a court of law, and one in every eleven has presided in

[1] Sixty congressmen and five senators wrote on the questionnaire "No previous office." The others included in this statement gave no indication, either on the questionnaire or in the current biographical dictionaries, that they had held office.

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such a court; twenty have been mayors of cities; eighteen have been chief executives of their states; and fourteen have helped to draft the constitution of their states. Their governmental experience is so diversified that it is almost impossible to make a simple table that presents it clearly. The "Other governmental office" in Table V includes one diplomatic post, nine administrative positions which would carry with them a position in the governor's cabinet, and various lesser offices. Thus the evidence is sufficient to indicate that the members of the present Congress are not novices in the techniques or in the understanding of government. Their election to one public office after another, moreover, should indicate that they are capable of interpreting the wishes of their constituents and that they are representative of their ideals.

TABLE V. POLITICAL EXPERIENCE
(When elected to the house in which they now sit)

Offices Held	*Representatives*	*Senators*
United States cabinet member	0	2
United States senator	1	0
United States congressman	0	28
State governor	2	16
Lieutenant-governor	2	5
State attorney-general's office	16	5
State legislature	123	33
Judge (state or federal)	39	11
State constitutional convention	6	8
Prosecuting attorney	88	21
Mayor	14	7
City or town council	21	2
City or county commissioner	15	0
Other governmental office	49	16
No public office indicated	125	10

Note: When it was indicated that a congressman held several public offices prior to his present position, all the offices are included in this table.

Occupation and Economic Interests: Table VI gives only a blurred picture of the former occupations of America's legislators. All previous vocations found in biographical material are listed in the table. Since many congressmen listed several former occupations, the same individual may be referred to repeatedly in the same column. Moreover, it is probable that some congressmen listed all former positions and others only those that they considered significant. Certain clarifications can be made, however. Most of the eighty-seven men who are listed as teachers were not in the teaching profession at the time of their election. In many instances, they maintained a place in the educational world for only a short time im-

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mediately after graduation from college. Many people who fear for the future of education and academic freedom in this country may nevertheless be heartened by the fact that one in every six of the nation's lawmakers has stood in front of a class at some time during his career.

It is proverbial that congressmen are lawyers. Of the 311 men who are listed as such, practically all were members of the legal profession when they entered politics, although some had given up their practice to become judges, governors, or other governmental officials long before they ran for Congress. It is interesting that the percentage runs approximately the

TABLE VI. FORMER OCCUPATIONS

Former Occupations	*Representatives*	*Senators*	*Representatives and Senators*
Lawyer	252	59	311
Teacher	71	16	87
Farmer	46	13	59
Newspaper man	30	11	41
Insurance broker	21	4	25
Publisher	17	7	24
Real estate dealer	16	0	16
Lumber and construction	16	1	17
Merchant	16	3	19
Salesman	16	0	16
Manufacturer	12	5	17
Physician	7	0	7
Author	6	2	8
Security broker	5	1	6
Mining engineer	4	0	4
Dentist	2	1	3
Publicity man	2	0	2
Banker	2	0	2
Factory worker	1	0	1

same in both houses. About sixty per cent of the members of each house have had legal training.

Table VI indicates that business, financial, and professional interests are well represented. The farmer's representation does not correspond to his position in America, but more than one in ten of the congressmen have had personal experience with the farmer's problems. According to the table, it is the laborer who is grossly under-represented; only one man listed himself as a factory worker. Others may possibly have had experience in this capacity, since a few of them have been affiliated with labor unions (see Table VII); but this is only a conjecture. Whenever a union was mentioned by name, it was either the Teachers' Federation or a union of highly skilled artisans. Certainly the laboring class and the "Have-

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nots" are surprisingly under-represented in the national Congress, particularly in a country in which labor is so strongly organized.

The questionnaire further attempted to discover labor connections and other economic interests of the legislators. Each congressman was asked to indicate whether he was or ever had been (1) an official of a bank, (2) a member of a trade union, or (3) a member of a coöperative. Some persons may have hesitated to give this information or may have considered it irrelevant.[1] Table VII may not include all who belong to the categories listed, but it does include all who considered these facts sufficiently important to incorporate them in their biographical statements.

The fact that one of every six congressmen are or have been bank officials may not be so significant as first appears. Directors of banks are

TABLE VII. ECONOMIC AFFILIATION

	Representatives		*Senators*		*Representatives and Senators*	
	Number	*Per Cent*	*Number*	*Per Cent*	*Number*	*Per Cent*
Bank official (director or president)	73	17	17	18	90	17
Trade union member*	21	5	5	5	26	5
Member of coöperative	19	4	3	3	22	4

* Five representatives and two senators who were members of labor unions were listed as honorary members.

not always so closely associated with banking operations that they are aware of the technical problems or of the monetary considerations involved in sound banking, but their official connection with banks should make them sensitive to the pressures of financial organizations. It also seems significant that seventeen per cent of the lawmakers have been affiliated with large financial interests and only five per cent have been associated with organized labor.

Another attempt to discover something of each congressman's background was made by asking the question: "What was the occupation of your father?" Only a small percentage of the legislators answered this query, and such information is not generally included in biographical dictionaries. Table VIII presents some interesting information, but it cannot be called significant until more data of this type are accumulated.

If the information in Table VIII is typical of the Congress as a whole, it presents additional evidence that the members are conscious of farm

[1] This question was so worded that response required a check mark. Failure to check presumably meant that the congressman had never occupied the position, but in some cases it may have been a simple omission.

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problems and farm interests. It is to be remembered, however, that farmers of the last generation were more prosperous than farmers recently. They most certainly belonged to the "Haves" rather than to the "Have-nots." But even if they are placed in the doubtful class, the remainder of the tabulation would indicate that many congressmen have belonged to the more privileged classes from childhood and that few of them come from the homes of laborers. Tables VI, VII, and VIII may throw some light on whether it is the business man or the laborer who has most to fear from the present Congress.

TABLE VIII. OCCUPATION OF FATHER

Occupation of Father	*Representatives*	*Senators*
Farmer	54	8
Merchant	28	1
Lawyer	16	8
Clergyman	9	1
Contractor	9	0
Banker	9	1
Business or industrial executive	8	1
Laborer	6	1
Skilled artisan	6	1
Teacher	5	1
Miner	4	0
Physician	4	1
Real estate or insurance broker	4	0
Newspaper man	3	2
Artist or opera singer	3	0
Government officer or employee		
President and judge	0	1
Congressman	5	0
Secretary to congressman	3	0
Governor	1	0
Member of governor's cabinet	1	0
Army officer	1	2
Other government employee	7	0

Military Service: One other experience which congressmen have had that might influence their vote on certain current questions is that of military service. Over one-third of the men who are voting on defense measures have served their country in a military capacity, most of them in active warfare. It is possible that the intervening years have warped their memories and glorified their experiences, but it is almost certain that this experience has left some imprint upon their minds, and to some of them it must recall Sherman's definition of war.

Congressmen, then, are men of mature years; on the whole, they are somewhat older than men who hold important positions as business

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executives. Most of them were born and reared in the United States. They are representative of the various religions in this country. Their educational standards are far superior to those of the country at large. Moreover, they are experienced in the usage of governmental processes. Their vocational and their economic affiliations indicate that they are largely drawn from the more privileged classes. Such are the men who will have a large responsibility for the defense program, labor policies, foreign policy, the concentration of power in the hands of the government, and the safeguarding of civil rights during this time of crisis. If their background goes

TABLE IX. MILITARY SERVICE

	Veterans of American Wars		*Military Service in Peace Time*		*No Service*		*Unknown*	
	Number	*Per Cent*	*Number*	*Per Cent*	*Number*	*Per Cent*	*Number*	*Per Cent*
Representatives	166	38	3	1	223	51	43	10
Senators	29	30	1	1	48	50	18	19
Representatives and Senators	195	37	4	1	271	51	61	11

far toward predetermining their votes, the American traditional form of government will be safeguarded, religious freedom will be maintained, business will be protected, and financial interests will not suffer. Labor, particularly unskilled labor, however, may lack champions on Capitol Hill.

MADGE M. MCKINNEY.

Hunter College of the City of New York.

The Veto Record of Franklin D. Roosevelt. In two administrations over a period of approximately eight years, President Franklin D. Roosevelt has established a record in his exercise of the veto power—not a record in quantity of measures disapproved, but a record in the wide range of subjects drawing his attention and his adverse action. President Cleveland, in his two non-consecutive administrations, retains the record for total number of measures disapproved, although President Roosevelt has run ahead of him in the use of the pocket veto. It should be noted, however, that most of the Cleveland vetoes were applied to individual pension or military relief bills. The practice of Congress in more recent administrations has been to combine pension and relief measures into one omnibus bill, to be consistently, although not always successfully, disapproved by successive presidents.

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The Roosevelt disapprovals represent over 30 per cent of the total measures disapproved since 1792, when the veto was first used (505 out of 1,635). The messaged vetoes have been nearly 30 per cent of the total returned measures inviting congressional action (262 out of 901). The pocketed measures, with or without comment, have been over 33 per cent of the total pocket vetoes (243 out of 734). The combined disapprovals of Grover Cleveland and Franklin D. Roosevelt represent two-thirds of the total disapproved measures of all veto presidents. The combined messaged vetoes total over 67 per cent of all messaged vetoes; the combined pocket vetoes total over 65 per cent of all pocketed measures. These two executives may justly be rated as our outstanding veto presidents.

In contrast to Cleveland, who devoted his unfavorable attention to pension, military, and naval relief measures, the range of subjects drawing the adverse action of Roosevelt has been as wide as the activity of Congress. Nothing too large or too small has escaped the penetrating eye of the President and his advisers. The following indicate that range of vision: agricultural relief, general appropriations, adjusted service compensation for World War veterans, interstate commerce, alien deportation, judicial review of administrative tribunals, flood control, protection of fisheries, homestead administration, Indian relief, tax and tariff policy, national defense, Philippine independence, Memorial Day observance, cemetery approaches, short-hand reporting, homing pigeons, District of Columbia street designations, parking meters, credit for beer wholesalers, control of funerals, and the exemption of religious periodicals.[1]

Some of the returned measures involved huge sums of money; others, claims of only a few dollars. Some of the accompanying messages expressed basic principles of government and the maintenance of our political institutions; others were curt expressions of disapproval on grounds of expediency or precedent. Nearly all powers vested in Congress and exercised from 1933 to 1941 were represented in executive negation, with resulting delay and often defeat of congressional purpose. Only seven of the returned measures commanded sufficient support in Congress to win repassage in both Houses. Three of these were measures for the relief of veterans;[2] two extended interest rates for federal land bank loans;[3] one was an independent offices appropriation bill;[4] the seventh authorized the alteration of certain bridges over navigable streams.[5]

[1] Listed in *Record of Veto Messages, 1888–1941*, published by the Secretary of the Senate. The vetoes can be found in the Senate or House *Journals* and in the *Congressional Record.*

[2] H.R. 9870, 74th Cong., Jan., 1936, H.R. 5478; 75th Cong., June, 1937; H.R. 289, 76th Cong., May, 1940.

[3] H.R. 6763, 75th Cong., July, 1937; H.R. 10530, 75th Cong., June, 1938.

[4] H.R. 6663, 73rd Cong., Mar., 1934. [5] H.R. 9381, 76th Cong., June, 1940.

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A number of the questions at issue were inherited from earlier administrations. In the case of World War veterans and of veterans other than those of the Spanish-American War, Roosevelt followed a fairly consistent presidential policy—disapproval. On other issues and subjects, he demonstrated, for a time, a closer accord with Congress. His position on commemorative coins was largely favorable until 1938, in opposition to the Hoover stand of April, 1930; and Congress made the most of it. The pocketing of a measure in June, 1938, led to a reversal of congressional policy in 1939. The Hoover Muscle Shoals veto of March, 1931, was superseded by the Roosevelt approval of a similar measure in May, 1933. The Hoover pocketing of a bill for a national employment system was followed by the Roosevelt approval of a similar measure in June, 1933. On the other hand, Roosevelt pocketed in June, 1938, a relief measure for the Choctaws, similar to a claims measure of the Choctaws and Chickasaws vetoed by Hoover in February, 1931. Likewise, on the question of increased pay for village mail carriers, although Hoover pocketed one measure in March, 1931, Roosevelt first pocketed and later vetoed similar measures in June, 1938, and February, 1940.

On other questions and subjects, Roosevelt has had frequent repetition of an experience accorded to a few of his predecessors, i.e., the recurrence of new measures similar to those disapproved, their passage, and their presentment. On at least fifteen occasions, he has been inconvenienced and probably highly exasperated. His language remained moderate and his feelings restrained, but in nearly every case he was "constrained" to repeat his former action. Three of the fifteen measures have become law. One relief measure, pocketed at the end of the 73rd Congress and vetoed in the 74th Congress, was approved during the 75th Congress.[6] Another measure vetoed in the first session of the 76th Congress was revived, given a new number, and made law without signature in the middle of the third session of the same Congress.[7] A vetoed relief measure of the 75th Congress was revived in the 76th Congress, first session, and approved.[8]

The other "repeats" have been less fortunate—the question of stolen animals in interstate commerce, bills once pocketed and twice vetoed; the question of relief of the Eberhart Steel Products Co., bills thrice vetoed; the claims of the Turtle Mountain Band of Chippewas, bills vetoed and pocketed; the relief of Sam Alexander, pocketed and vetoed; the relief of the Epes Transportation Corp., pocketed and vetoed; the relief of Michael Ilitz, pocketed and vetoed; the relief of Meta DeRene McLoskey, pocketed and vetoed; the relief of Percy C. Wright, vetoed and pocketed; the incorporation of the Military Order of the Purple Heart, pocketed and

[6] S. 3394, S. 2808, H.R. 3190.
[7] H.R. 2378, S. 3530.
[8] H.R. 3657, S. 1001.

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vetoed; the relief of Beryl McHam, twice vetoed; the claims of the First, Second, and Third National Steamship Cos., twice vetoed; and pay increases for the custodial service of the Post Office Department, twice vetoed. These remain potential disturbances for the President in his third term.[9]

Franklin D. Roosevelt has been called a precedent-breaker. However true that may be in respect to the manner and extent of his exercise of other executive functions, in his interpretation of the veto power, the allegation falls short of strict accuracy. Although he has pocketed more measures than any other President, with much publicity regarding his notes of explanation on some of them, the precedent-breaking refers to repetition rather than departure from established practice. In messaged vetoes, he falls short of the Cleveland record, and in the number of repassed measures he has not yet matched Johnson nor surpassed Cleveland. The frequent reference to the opinions of official advisers has been a continuance of well established presidential policy. His expressed motives for disapproval have shown no originality. They can be found in the vetoes of many of his predecessors—notably Cleveland and Coolidge. Only in respect to the wide variety of subjects chosen for veto has President Roosevelt initiated a new policy.

GEORGE C. ROBINSON.

Iowa State Teachers College.

Organization of the Executive Branch of the National Government of the United States: Changes between July 16 and November 15, 1941.[1] As in previous lists, mention is here confined generally to units specifically authorized by law or established by the President by executive order or reorganization plans under general authority vested in him. Changes in units created by heads of departments or independent establishments are excluded unless of major importance.

Coast Guard. Transferred from the Treasury Department to the Navy Department by Executive Order 8929 of November 1, 1941, under authority of the act of January 28, 1915 (38 Stat. 800). On April 7, 1917, the Coast Guard was transferred to the Navy by Executive Order 2587, and

[9] Within the first three weeks of the 77th Congress, five of the "repeat" measures were re-introduced and referred to committees—S. 16, S. 438, H.R. 45, H.R. 1280, H.R. 2232. A special bill on stolen cattle in interstate commerce, S. 1261, passed the Senate in April, was amended and passed the House in July, and with the conference report accepted, was approved by the President on August 18, 1941. For the first eight months, the other interested parties have either been inactive or their bills have been assigned to unsympathetic committees.

[1] Articles of this character appearing in the REVIEW prior to 1940 are listed on page 1044 of the issue for December, 1939. Later articles have appeared in the issues for June and October, 1940, and February, June, and October, 1941.

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on August 28, 1919, it was returned to the Treasury Department by Executive Order 3160.

Committee to Investigate Federal Expenditures. Created by Sec. 601 of the Revenue Act of 1941 (Public Law 250, 77th Congress) to make a study of expenditures with a view to recommending the elimination or reduction of all expenditures deemed by the committee to be non-essential. The membership of the committee is as follows: three members from the Senate Committee on Finance and three members from the Senate Committee on Appropriations, to be appointed by the President of the Senate; three members from the House Committee on Ways and Means and three members from the House Committee on Appropriations, to be appointed by the Speaker of the House of Representatives; the Secretary of the Treasury; and the Director of the Bureau of the Budget. The committee is authorized to hold hearings and to utilize the services, information, facilities, and personnel of all government agencies. An appropriation of $10,000 is authorized. The authority of the committee terminates upon the submission of its final report.

Defense Public Works Division. Established in the Office of the Federal Works Administrator by order of the Administrator of August 9, 1941, to consider all applications for defense public works, to negotiate with public and private agencies for loans and grants, and to select sites and make plans.

Division of Civilian Supply. Created in the Office of Production Management of the Office of Emergency Management by Executive Order 8875 of August 28, 1941, to represent civilian interests relating to supply and priority activities, and to take over the activities relating to civilian supply formerly exercised by the Office of Price Administration and Civilian Supply (established by Executive Order 8734 of April 11, 1941), whose name is changed to Office of Price Administration.

Division of Contract Distribution. Established in the Office of Production Management of the Office of Emergency Management by Executive Order 8891 of September 4, 1941, to promote purchases from a greater number of firms, to develop programs for conversion of plants from civilian to defense production, to stimulate subcontracting, to obtain maximum use of existing facilities, to facilitate financing operations, and to provide technical and engineering assistance. Provision is made for two advisory committees—one to be representative of small business organizations and one of industrial, management, and production engineers. The Defense Contract Service, established July 29, 1941, in the Office of Production Management by order of that office, is abolished, and its duties are transferred to the Division of Contract Distribution.

Economic Defense Board. Created by Executive Order 8839 of July 30, 1941, to advise the President as to economic defense measures, to coördi-

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nate actions and policies of the several agencies relating to economic defense, to develop integrated economic defense plans, to make investigations, to review proposed or existing legislation, and to collaborate with existing agencies which perform functions relating to economic defense. The administration of economic defense measures is to remain with the several agencies, but shall conform to the policies formulated by the Board. The Board consists of the Vice-President, who is chairman, the Secretaries of State, Treasury, Navy, Agriculture, Commerce, and the Attorney-General. The chairman may, with the approval of the President, appoint additional members. Each member of the Board, except the chairman, may designate an alternate. The chairman may, with the approval of the President, appoint an executive officer. Each of several named departments and agencies is to designate an officer to represent it in its continuing relationships with the Board.

Executive Order 8900 of September 15, 1941, transferred to the Board the duties heretofore exercised by the Administrator of Export Control in connection with Sec. 6 of Public Law 703, 76th Congress, as extended by Public Law 75, 77th Congress, and also the duties exercised under Public Law 829, 76th Congress, except such as were vested in the Army and Navy Munitions Board by Executive Order 8567 of October 15, 1940.

The following additional duties were conferred on the Board by Executive Order 8900: to obtain over-all estimates of materials and commodities required for export purposes in connection with economic defense (exclusive of defense articles to be transferred to other governments), and to advise the Supply Priorities and Allocations Board of such estimates; to advise the Office of Production Management as to priorities required for economic defense programs; and to provide a central clearing house where exporters may submit proposals for export and obtain clearance.

Order No. 1 of the Economic Defense Board of September 15, 1941, authorizes the executive director of the board to exercise the powers and functions in connection with the additional duties transferred to and conferred on the board by Executive Order 8900 of September 15, 1941, subject to the general supervision and direction of the chairman.

The Office of Administrator of Export Control is abolished.

National Indian Institute. Established in the Department of the Interior by Executive Order 8930 of November 1, 1941, under provisions of the international convention for the creation of an Inter-American Institute signed on November 29, 1940, and ratified by the Senate on May 26, 1941. The purposes of the Institute are to initiate and promote collaboration in the field of Indian administration, to maintain liaison between the agencies of the United States and those of other American nations, to publish material relating to Indian administration, to prepare bibliographies dealing with Indian problems, to collaborate with the Inter-Ameri-

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can Indian Institute in planning the Inter-American Conference on Indian Life, and to submit an annual report to the Inter-American Institute. The Institute will be managed by a director to be appointed by the Secretary of the Interior; its functions will be administered in the Bureau of Indian Affairs. The order also creates a Policy Board of the Institute to be composed as follows: the Commissioner of Indian Affairs; two or more members, who may be public officers or private citizens, at least one of whom shall be an Indian, to be appointed by the Secretary of the Interior; one representative to be designated by each of the following: the Secretary of State, the Secretary of Agriculture, the Smithsonian Institution, and the Librarian of Congress; in addition, one representative may be designated by each of the following: the National Research Council, the Social Science Research Council, and the American Council of Learned Societies. The chairman of the Board may designate advisory committees, and may designate learned societies and other organizations as affiliates of the Institute.

Office of Coördinator of Inter-American Affairs. Established in the Office for Emergency Management by Executive Order 8840 of July 30, 1941, to serve as the center for the coördination of the cultural and commercial relations of the nation affecting hemisphere defense, to formulate and execute programs in the cultural, commercial, and economic fields, to aid in the coördination and carrying out of the purposes of Public Resolution 83 approved June 15, 1940, authorizing the Secretaries of War and Navy to assist the governments of American republics to increase their military and naval establishments, to review existing laws and legislation, and to perform all powers and functions vested in the Office for Coördination of Commercial and Cultural Relations between the American Republics, established by order of the Council of National Defense on August 16, 1940. The office last named is not specifically abolished by the new order, but all its duties have been transferred.

Executive Order 8840 also established in the Office of Coördinator of Inter-American Affairs a Committee on Inter-American Affairs consisting of the Coördinator, as chairman, one designee each from the Departments of State, Treasury, Agriculture, and Commerce, the President of the Export-Import Bank, and such additional representatives of other agencies as may be designated by the heads of such agencies at the request of the Coördinator.

On September 27, 1941, a Division of Agriculture was established in the Office of the Coördinator. The primary objective of the new division is the establishment and operation of an Institute of Tropical Agriculture. Other activities will include liaison and coöperation with the Departments of State and Agriculture in carrying out agricultural surveys in the other Americas.

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Office of Coördinator of Solid Fuels. On November 5, 1941, thePresident, by letter, requested the Secretary of the Interior to act as Coördinator of Solid Fuels. The functions of the office are as follows: To obtain information as to military and civilian needs and available supply; to recommend to the appropriate agencies measures relating to production and use; and in coöperation and coördination with consumers and the Office of Production Management to carry out such programs as will promote best use.

Office of Defense Aid Reports. Executive Order 8751 of May 2, 1941, establishing the Office of Defense Aid Reports, was revoked by Executive Order 8926 of October 28, 1941, establishing the Office of Lend-Lease Administration.

Office of Defense Health and Welfare Services. Established in Office for Emergency Management by Executive Order 8890 of September 3, 1941, to coördinate health and welfare activities, to make services of specialists available to local units, and to study plans for promoting health and welfare services. The Federal Security Administrator is designated as Director of the Defense Health and Welfare Services, which succeeds to the duties of the Office of Coördinator of Health, Medical Welfare, Nutrition, Recreation and Other Related Fields of Activity Affecting National Defense, created by the Council of National Defense November 28, 1940, although the older unit is not specifically abolished nor are its duties specifically transferred.

Executive Order 8890 of September 3, 1941, provides that there shall be in the Office of Defense Health and Welfare Services a Health and Medical Committee to advise the Director regarding the health and medical aspects of national defense, and to assist in the coördination of health and medical activities affecting national defense. The Committee consists of a chairman appointed by the President, the Surgeons-General of the Army, the Navy, and the Public Health Service, the chairman of the Committee on Medical Research of the Office of Scientific Research and Development, and such others as the President may determine. This committee is the same as the Health and Medical Committee created by the Council of National Defense on September 19, 1940, and transferred to the Office of the Federal Security Administrator on November 28, 1940.

Office for Emergency Management. As there have been frequent shiftings in the organization of the Office for Emergency Management, the major units of that office and some of the more important subordinate units as of November 15, 1941, are given below. The Office for Emergency Management is a part of the Executive Office of the President, and is "under the direction and supervision of the President" (Administrative Order of January 7, 1941), who is the head of the office, and who is assisted by a liaison officer. All other major defense units are separate from the Office for Emergency Management.

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Office for Emergency Management
- Central Administrative Services
- Defense Communications Board
- Defense Housing Division
- Information Division
- National Defense Mediation Board
- Office of Scientific Research and Development
- Office of Civilian Defense
- Office of Coördinator of Inter-American Affairs
- Office of Defense, Health, and Welfare Services
- Office of Price Administration
  - Consumer Division
- Supply Priorities and Allocations Board
- Transportation Division of the Advisory Commission
- Office of Facts and Figures
- Office of Lend-Lease Administration

Office of Production Management
- Production Division
- Purchases Division
- Priorities Division
- Materials Division
- Civilian Supply Division
- Contract Distribution Division
- Labor Division
- Research and Statistics Bureau
- Bureau of Clearance of Industry Advisory Committees
- Bureau of Industrial Conservation
- Committee on Fair Employment Practice

Office of Facts and Figures. Established in the Office for Emergency Management of the Executive Office of the President by Executive Order 8922 of October 24, 1941, to formulate programs to facilitate a "widespread and accurate understanding of the status and progress of the national defense effort and of the defense policies and activities of the government." The office is headed by a director appointed by the President; the Librarian of Congress has been designated as director, but not in any published order. There is also created in the office an advisory committee consisting of the director and such representatives of the Federal government and other members as the director may determine.

Office of Lend-Lease Administration. Established in the Office for Emergency Management of the Executive Office of the President by Executive Order 8926 of October 28, 1941, to exercise any power or authority conferred upon the President by the Lend-Lease Act approved March 11, 1941 (Public Law 11, 77th Congress), by the Defense Aid Supplemental Appropriation Act approved March 27, 1941 (Public Law 23, 77th Congress), and by any acts amendatory or supplemental thereto. Prior to the promulgation of Executive Order 8926 of October 28, the operations under the Lend-Lease Act were supervised by one of the assistants to the President, that assistant being commonly referred to as Lend-Lease Administrator, but no formal published order had been issued and no unit had been formally established.

Office of Price Administration. By Executive Order 8875 of August 28, 1941, the Office of Price Administration and Civilian Supply in the Office for Emergency Management, established by Executive Order 8734 of April 11, 1941, became the Office of Price Administration. The functions relating to civilian supplies were transferred to the newly created Division of Civilian Supply.

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State Department Reorganization. By Departmental Orders 972 to 982 of October 7, 1941, and Order 984 of October 9, the following changes were made in the organization of the State Department.

A Board of Economic Operations was created consisting of Assistant Secretaries of State Acheson and Berle; the Adviser on International Economic Affairs, Herbert Feis; the Special Assistant to the Secretary of State, Leo Pasvolsky; and the chiefs, or in their absence the acting chiefs, of the following divisions: Commercial Policy and Agreements, Exports and Defense Aid, Defense Materials, Studies and Statistics, World Trade Intelligence, and Foreign Funds and Financial. It is the duty of the Board to assist in formulating policies, and to coördinate the work of the divisions represented on it.

The name of the Division of Commercial Treaties and Agreements is changed to Division of Commercial Policy and Agreements.

The Division of Controls is abolished and its functions divided among the Division of Exports and Defense Aid, the Division of Foreign Activity Correlation, the Special Division, and the Division of Studies and Statistics.

The Office of Geographer, which has heretofore been a subordinate unit of the Division of Research and Publication, is established as a primary unit directly under the supervision of the Assistant Secretary and Budget Officer.

The following new units are created:

A Division of Exports and Defense Aid, to have responsibility for all matters of foreign policy involved in the export control provisions of the act of July 2, 1940 (54 Stat. 714), the Lend-Lease Act of March 11, 1941 (Public Law 11, 77th Congress), and, in so far as priorities or allocations for export are concerned, of the act of June 28, 1940 (54 Stat. 676), as amended by the act of May 31, 1941 (Public Law 89, 77th Congress). It also has charge of the administration of the control of exports of munitions provided for in Sec. 12 of the Neutrality Act of November 4, 1939 (54 Stat. 10), the Helium Act of September 1, 1937 (50 Stat. 887), and the Tin Plate Scrap Act of February 15, 1936 (49 Stat. 1140).

A Division of Defense Materials, to formulate and execute policies regarding defense materials.

A Division of Studies and Statistics, for the preparation of analytical and statistical data needed by the Board of Economic Operations.

A Foreign Funds and Financial Division, to have responsibility for matters relating to foreign policy in foreign funds control and other financial matters.

A Caribbean Office, which is subordinate to the Division of American Republics and the Division of European Affairs in all matters in which those divisions are primarily responsible. It will have original jurisdiction

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in matters relating to interplay between political units in the Caribbean area, but its activities will be subject to review by the two divisions mentioned.

By Department Order 994 of November 4, 1941, a Board of Review is created in the Passport Division to review all cases involving loss of nationality or hardships and inequities resulting from the Nationality Act of 1940 (54 Stat. 1137).

Supply Priorities and Allocations Board. Created in the Office for Emergency Management by Executive Order 8875 of August 28, 1941, to determine the total requirements of materials and commodities needed for defense, civilian, and other purposes, and to make regulations governing allocations and priorities. The Priorities Board of the Office of Production Management established by Executive Order 8629 of January 7, 1941, is abolished. The new Board consists of the Director-General and Associate Director-General of the Office of Production Management, the Secretaries of War and Navy, the Special Assistant to the President supervising the defense aid program, the administrator of the Office of Price Administration, and the chairman of the Economic Defense Board.

The Office of Production Management will formulate plans and programs for allocations and priorities, subject to approval or modification by the Supply Priorities and Allocations Board. In addition to existing duties, the Office of Production Management will serve as the coördinating center for the execution of the powers and activities of the several departments and agencies relating to priorities, will exercise the authority relating to priorities conferred on the President by Public Law 89, 77th Congress, approved May 31, 1941, and in consultation with the United States Maritime Commission, will determine the extent of the priorities for materials for shipping provided in Public Law 46, 77th Congress, approved May 2, 1941.

United States Muhlenberg Bicentennial Commission. Established by Public Law 209, 77th Congress, approved August 16, 1941, to coöperate with Muhlenberg College in the celebration of the two hundredth anniversary of the arrival in the American colonies of Henry Melchoir Muhlenberg. The Commission consists of the President of the United States and four persons appointed by him, the President of the Senate and four Senators appointed by him, and the Speaker of the House of Representatives and four members of the House appointed by him. The members of the Commission will serve without compensation.

L. F. SCHMECKEBIER.

The Brookings Institution.

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The War and the English Constitution. *The Constitutional Atmosphere.* In examining the effect of the present war on the English constitution, we are obliged to consider that constitution in its own context. Whether for good or ill, there is no international standard of practice, nor any universally accepted philosophical dogma, by which one may estimate its qualities. One cannot usefully apply to the English constitution the test of conformance to the ideals of Plato or Aristotle (or even of Thrasymachus the Sophist), or of Marx or Pareto, or even of Hamilton or Jefferson. It is profitless to wonder how well the English institutions of today might suit contemporary France, let us say, or contemporary America; nor is it relevant for either me or you to say "I like" or "I don't like." The historical context of the English constitution is Locke and 1688, Disraeli and Gladstone, Asquith and 1911, Baldwin and 1926.

Judging the English constitution, then, in the light of its own development and its own traditional standards, what are we to think of the effects of the present war? Have the nature and the powers of the chief organs of government been changed? Are the government and the people in a new relationship to each other? And if so, what of it?

The English constitution is fundamentally conservative. Its characteristic resistance to change has been intensified recently by specifically conservative factors of the moment. One of those great changes in direction that mark the course of English history took place about ten years ago. Since 1931, England has moved consistently in a conservative direction (in contrast, for instance, to the liberal direction of the years 1905–21).

There are four specifically conservative factors influencing the period since 1931, and in some cases continuing their influence during the present war. The first is the very comprehensive political control exercised by the Conservative party. The second is the foreign influence, particularly on a group of leading Conservatives, and particularly of the Italian revolution —Italy being a country sympathetic to England and the domestic achievements of fascism being sympathetic to English industrialists. The third factor is the present revolutionary situation in Europe. England sponsors "democracy," and "democracy" is considered, in Europe, whether by its friends or by its foes, a conservative creed. Fourth, and finally, war is a conservative influence, for all free governments. It is in this historically conservative tradition, and this momentarily conservative atmosphere, that recent English constitutional development has occurred. Let us first see what specific changes have taken place.

The House of Commons and Legislation. Of the organs of the central government, the House of Commons has been most clearly affected by the

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war. The selective and critical functions of the House have been preserved. Though these functions are somewhat in abeyance (in accordance with the theory of emergency which I discuss below), ministers must still be members of Parliament and subject to parliamentary criticism. The legislative functions of the House are also preserved, though they are limited to the passage of bills proposed by the government and couched in broad terms, details being written in elsewhere. Most of the time of the House is spent, however, in general debates of a sort previously very infrequent, and for practical purposes the time-table, both sessional and daily, has been transformed. The typical day of the House of Commons still begins with questions, which have gained rather than lost in poignancy. Questions are followed by a discussion—one can seldom call it a debate—often raised on motion for adjournment. The discussion starts with a statement either by a minister or by a private member, and it ends with no conclusion reached and no action taken. From time to time, less frequently with Mr. Churchill than with Mr. Chamberlain, the day's discussion begins with a prime-ministerial statement on the progress of the war.[1]

For many years before 1939, the ordinary procedure of the House of Commons had been condemned for wasting time and giving undue emphasis to unessentials. To "rationalize" this procedure would almost inevitably have limited the opportunity for individual members to discuss details and of oppositions to oppose; yet some degree of rationalization was the desire of most parliamentary reformers, who finally, since the outbreak of war in 1939, have got their wish. Another desire also has been gratified. Mr. Ramsay MacDonald as prime minister of a Labour government from 1929 to the summer of 1931 faced a House most of whose members were not his political supporters and publicly expressed his preference for a Commons that would act, not as groups of partisans, but as a Council of State coöperating with the king's government for the good of the country. This ideal of Mr. MacDonald was realized when the Labour party abdicated its position as the opposition in May, 1940. On this abdication, the Speaker (of his own authority) suspended the office of Leader of the Opposition created as recently as 1937—one supposes lest Mr. Gallacher or Mr. Maxton claim it. Mr. Lees-Smith (a Labour privy councillor who did not take office) began to act *pro forma* as leader of the opposition in procedural matters, and all power over the time-table of the House thus passed into the hands of whips representing the lead-

[1] Actually the new procedure of the House of Commons closely resembles the procedure used by the House of Lords. Just as in the Lords, there is much cross argument, infrequent joining of the issue, and no attempt to press an advantage. When the session starts with a prime-ministerial statement, the subsequent discussion is limited, as a rule, to expressions of appreciation. The taking of a record vote by a division is avoided whenever possible.

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ers of the "truly national" coalition, Discussion of important matters was not prevented; it was merely diminished in importance as the whole system was reorganized to prevent criticisms being effective in bringing about a change either in policy or in the government.

A small group consisting mostly of independent-minded members of the Labour party and of advanced Liberals eventually began to act in concert, expressing views in opposition to the policies of the Government. They are what is called a "ginger group," demanding more vigorous prosecution of the war. They caused the prime minister publicly expressed annoyance, but have persisted, and forced the "second front" debate in November, 1941. This group is in complete sympathy, of course, with the avowed purposes of the "truly national" coalition. It is perhaps significant that the infrequent interpositions of members of the only real opposition left —the I.L.P. and Communist members of the House—are greeted less tolerantly today than were the frequent speeches of socialists, pacifists, and Irish Nationalists who opposed the war in 1914–18. A Council of State cannot allow its members to express sharp dissent.

The existing change in House of Commons practices will probably be permanent in so far as it concerns the House's loss of the power of detailed examination of legislation.[2] Whether a full-fledged opposition ever reappears will depend entirely on whether post-war England is organized into effective political parties, or whether a coalition succeeds in keeping so much formal support that it can force its opponents to the use of extra-parliamentary methods. The present situation seems so generally satisfactory that the indefinite prolongation of a national coalition is usually predicted, though precedents from the past seem to indicate that the parliamentary system itself requires an opposition.

In legislation, the war has finally completed a great change, long since begun. It is the change from the complete and fully detailed statute intended to be administered as enacted to the broadly phrased grant of power intended first to be supplemented by subsidiary departmental legislation and then to be administered (and even interpreted) by departmental officials. This sort of legislation is not new in England. In 1929, Lord Hewart, then Chief Justice, wrote a violent attack on delegated legislation in *The New Despotism*. Lord Hewart's attack was found invalid

[2] The more democratically-minded reformers wished the House of Commons not only to hear and approve Government policies in general terms—the change that has been instituted—but also to choose committees to work with and to supervise the administrative departments. In general, this latter change has not occurred, though the Select Committee on National Expenditure has shown what might be done. Indeed, the direct control of the House over administration is probably less today than at any other time since the Reform Bill. Various proposals for House of Commons reform were given at length in the *Special Report of the Select Committee on Procedure in Public Business* (Stationery Office 161 of 1931).

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by the Committee on Ministers' Powers, but had a strongly deterrent effect. With the beginning of the "emergency" in 1939, however, any prospect of limiting the delegation of legislative power passed away forever. And as Mr. Ivor Jennings has pointed out,[3] the process does not end with the first act of delegation, for acts of Parliament allow the making of orders, and orders under the acts may allow for the making of orders under the orders, and orders made under the orders may allow for the making of still further orders, all of which have the characteristics of law and will be enforced by the courts. The "new despots" have won. Their victory certainly makes for "efficiency" in many ways, and the new system is not in itself less just or less democratic than the old. But the new system is different, and the House of Commons no longer quite as much of a legislature as it used to be.

The Central Executive Government. The central executive government (to use Gladstone's term) has been less changed by the war than is sometimes supposed. In some important ways, the central administrative organization has been developed, and its powers increased; but in most respects there has been little change.

In countries where the central executive government is not all-powerful, a time of war is looked upon as a convenient moment for increasing its authority. Since 1939, the powers of the central executive government in England have been strengthened at two points where it was weak—in relation to local areas in the United Kingdom and in relation to dependent or partly dependent areas outside of the British Isles.

The administrative control of the British cabinet over many parts of the British Empire and other areas subject to British influence had for many years been diminishing. The permanent governor-general or envoy had become a member of a career occupation, and was neither a political sympathizer with the cabinet nor (except in the case of the viceroy of India) an administrator. He had become only a channel of communication. To restore some measure of control by the central executive government, a new sort of official has been created, somewhat tentatively and under slightly different forms in different cases. To secure greater directness in Canadian coöperation with Whitehall, Mr. Malcolm MacDonald was transferred from his post at home to the position of High Commissioner to Canada, keeping both his seat in the House of Commons and his status as a member of the English cabinet. Mr. Oliver Lyttleton was created Minister of State to act in the Middle East, and Mr. Duff Cooper in the Far East, both keeping their seats and their ministerial status. Lord Halifax keeps his rank as member of the War Cabinet, though he has been transferred from Foreign Secretary to ambassador to the United

[3] W. Ivor Jennings, in *Annual Survey of English Law, 1939* (London, 1940), p. 37.

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States. All these men are members of the government when at home and agents of the government when abroad. (Sir Samuel Hoare and Sir Stafford Cripps, diplomatic envoys, keep their membership in the House.) This interesting experiment may be an administrative answer to the disintegration of the Empire that seemed previously under way.

In the United Kingdom, the power of the central government over local administration has been enhanced in a similar way. By the Regional Commissioners Act of 1939, the government took the authority to create regional repositories of its own executive powers. The country is divided into regions, each headed by a regional commissioner who has been given large grants of power by order. The regional commissioners have become centers of a whole administrative *nexus* intermediate between Whitehall and the various county, borough, and district officials in the country. Large staffs have been built up in regional headquarters through which the threads of administration of most war-time and many ordinary laws extend from the central government to the local official. Authority over the regional commissioners rests with the Home Secretary as Minister of Home Security. These commissioners are the instrumentalities of central control over the traditionally self-governing local communities. They have analogues on the Continent, but Englishmen at once compared them to an English precedent of the interregnum, Cromwell's major-generals. Aside from these matters, there seems to have been no fundamental change in administrative organization and executive power.[4] Many shifts of emphasis have occurred, however, which need examination, if only to see that they are not new.

The changes in the cabinet arising out of the war present no special novelty. The conception of a small "war cabinet" was developed by Mr. Lloyd George in the latter part of 1916 and put into effect by him when he became prime minister in December of that year. Mr. Chamberlain, in September, 1939, imitated Mr. Lloyd George, and Mr. Churchill has continued the name but blurred the edges. There is today an official war cabinet whose members have their names above the line. There are many other ministers, some of whom attend the meetings of the War Cabinet though they do not belong to it. The War Cabinet has a "defense committee," which includes ministers who are not members of the War Cabinet and even men who are not ministers at all. And some of the ablest and most important ministers belong to none of these groups. In this situation, one might fairly say that the cabinet as a body of responsible ministers no longer exists at all. Furthermore, the various bodies that exist are coördinated only by the prime minister himself, who becomes thereby even more important than he used to be.

[4] I omit any consideration of the important question of the organization of production, since there has been no constitutional change respecting it.

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In so reorganizing ministerial arrangements, Mr. Churchill is only following the established precedent of Mr. Lloyd George, and though subsequent commentators have shared the view of contemporary sceptics about the value of the War Cabinet of 1917–18, nevertheless the War Cabinet of those days now gains repute from having won the war. Lord Curzon on one occasion rather unhappily compared the meetings of Mr. Lloyd George's War Cabinet to a durbar. Mr. Churchill, however, lacks Mr. Lloyd George's interest in social and economic questions, and if he dictates, it is in fewer fields than Mr. Lloyd George.

In war-time, certain government departments expand their work enormously and few diminish it. This is true at least in a popularly governed state, for during a war the government assumes not merely the obligations of waging war abroad but also of regulating rather strictly the activities of the population at home. With additional positions to fill, and the loss of men from old positions because of conscription, the task of recruitment becomes very difficult at best. Early in the present war, the expansion of the civil service was managed by selecting men and women for temporary posts without examination, and with the natural result of encouraging nepotism and favoritism. The government has shown a firm determination neither to resume permanent appointments nor to recruit civil servants in the usual way. The resultant dilution in the civil service might be comparatively harmless under the old theory that war is a temporary emergency during which you let normal civil affairs go to rack and ruin if necessary. According to a widely accepted contemporary theory, however, the positive organizing and directing force of the government in non-military affairs is as essential, in modern warfare, as is a well-organized and directed army and munitions industry. If so, administrators should not be indiscriminately drafted from the non-fighting to the fighting services. This might seem particularly important in the months since September, 1939, during which the English army has been comparatively inactive, English industry very active, and the government the most active of all.[5]

Local Government; Liberties of the Subject. The war not only has begun a great reorganization of local government, but has finally completed its coördination with the central executive government.

Twentieth-century developments in local government had been unsatisfactory. The specialization and multiplication of local functions had intro-

[5] The civil service, moreover, is the only permanent planning agency that the English system provides for. However imperfect it may be in this capacity, its depletion may have a more serious effect than other changes superficially more important. On October 28, 1941, the reservation age for civil servants was raised, for the administrative and executive grades, from 25 to 30, and for clerical grades from 30 to 35 (*Manchester Guardian*, Oct. 29, 1941).

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duced complexity, and the relations between local councils and Whitehall had grown more unhappy as they grew more intimate. Both a rearrangement of areas and a new relationship between central and local authorities were needed. Reform, when it came, would naturally be through some form of regionalism, since Continental and English precedents alike suggested it.[6] But the effective political force to coördinate authorities of local areas was lacking until the plans for home defense created the regional commissioner. The war-time regions, of which there are twelve, create a new local-government area that was greatly needed, and the regional commissioner, overlord of his region, is an official that future governments will find it hard to dispense with. That the region is autocratically rather than democratically organized, and that it has no popular or representative government, does not modify its essential convenience.

Changes in the organization and powers of the organs of government are one aspect of constitutional transition. Changes in the liberties of the subject are another aspect—not necessarily the reverse side of the foregoing, since it is possible to imagine constitutional change which should give power to individuals rather than take it away. It could hardly be expected, however, that the effect of the war would be to increase the Englishman's individual discretion or power, for the war had been preceded by a series of limitations of the liberty of the subject—speech, press, assembly, and even mobility—and by a general act of military conscription. Under the Emergency Powers (Defense) Acts and the various national service acts passed during the war, administrative control of individuals goes to unprecedented lengths. Two illustrations will show this. The first is the extension of conscription (for purposes that seem to be military) to women as well as to men, and the modification of the customary conscience clauses in the more recent acts. The second is the great extension of the power of the Home Secretary over individuals not accused of crime. One regulation under the Emergency Powers (Defense) Act, regulation 18B, gives the Secretary of State complete power to detain at his discretion any person who, in his reasonable judgment, has been recently concerned in acts prejudicial to the defense of the realm, or is of hostile origin or association, or is a member of an organization subject to foreign influence or control, or of one whose officers have had enemy associations. The House of Commons has found itself unable to exercise any check upon the Home Secretary's discretion. Even a member of the House is detained under the order—the first political detention of an M.P. since the Restoration.

[6] English regional schemes are at least as old as early attempts to solve the problem of Irish home rule. Recent schemes have had a socio-economic basis, such as the project for a regional government of Northumbria, or the attempts to deal with "depressed" areas.

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The administration of these laws and regulations has for the most part not been oppressive. Administrative lenitude has tempered legislative severity. But even so, administrative self-restraint is not, in the eyes of those devoted to English legal traditions, the natural safeguard of the rights of the subject.[7] Such old-fashioned liberal practices as survive under the legislation referred to above perhaps survive because of the difficulty of at once wiping out established methods. There can be a vested interest even in freedom. Not the least striking of the broad developments of recent years has been the diminution in numbers and influence of the Liberal party, and (within the Labor party) of those who were radical primarily because they were libertarian. Since 1931, liberals are not only out of power but out of fashion.

Compulsion as an element in English daily life has grown, is growing, and will probably grow still more; and it is accepted gracefully and even gratefully by a population who see in it only the modest price to be paid for the proffer by the government of benefits which people expect to get on no other terms. This, however, is compulsion as viewed politically. From the constitutional point of view, there is more to say: the increase in compulsion is constitutionally of the first degree of significance for two reasons.

First, there are large measures of compulsion imposed today on all or most of the population requiring people not so much to refrain from doing certain things as to take positive action under threat of penalties for non-performance. Such compulsion, particularly if general and long-continued, changes fundamentally the relation of the citizen to the government. The English constitution has been characteristically based on the theory that initiative comes from the individual and restraint from the government. Secondly, such compulsion to positive action as is now exercised is administered (just as restrictions are administered) with characteristic tolerance. But such tolerance is discretionary on the part of the authorities and can as well be refused as granted. In so far as the relation between citizen and government was determined by the control of the courts over the administration, that relation has been revolutionized. Such a change may shock us less than it would have shocked Dicey, but nevertheless it is a change.

[7] In November, 1941, the House of Lords, with one law lord, Lord Atkin, dissenting, decided that the Home Secretary's discretion to detain under Regulation 18b was unlimited (*Manchester Guardian*, Nov. 8, 1941). In October, Mr. McGovern, M.P., wished to go to Northern Ireland to get information on which he could judge the propriety of a detention under Regulation 18b of a member of the parliament of Northern Ireland. The Home Secretary refused him permission to make the journey. (See *Manchester Guardian*, Oct. 17, 1941, and following.) Thus neither courts nor members of the House of Commons may look into the propriety of the Home Secretary's actions.

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Changes in Constitutional Dogma. Out of the individual changes that have been mentioned, two new doctrines and one shift in theory can perhaps be seen emerging. The two doctrines are those of "emergency" and "democracy."

The first doctrine is the constitutionalizing of the conception of emergency. I note, for instance, that most of the legislation passed in anticipation or in immediate consequence of the declaration of the present war speaks of the "emergency" and not of the "war." Now war is, of course, often if not always an emergency, in a practical sense, but in war-time legislation the term "emergency" seems to be used not so much in a practical as in a juristic or normative sense. An emergency seems to be a period of undefined length and character for which special legal arrangements are made, and this emergency period is contrasted with a "normal" period when normal laws and practices obtain.

This doctrine of emergency is, I think, new. It begins with the Emergency Powers Act of 1920, which established the principle that when an emergency is proclaimed a new legal situation comes into existence in which there is government by order in council until the emergency is over. Under the Emergency Powers Act, emergencies were proclaimed several times in days of peace. The most serious of them was the period of the general strike of 1926; and not only in their use of this act, but in their general conduct, ministers indicated a belief that an unusual situation must be met by unprecedented means. A different sort of crisis was that of 1931, but then also the situation was treated as an emergency, requiring unaccustomed action on the part of the prime minister, an unusual kind of cabinet revision, and the passage by Parliament under forced draft not only of a bill for going off the gold standard but a series of laws instituting an economic revolution. It was perhaps natural, therefore, that Mr. Chamberlain and his advisers should, in the spring of 1939, decide to propose for "the emergency" action which they had rejected in what they considered normal times.

The conception of an emergency is a familiar one in Continental law—the "dictatorship" in the Roman republic, the "state of siege" so characteristic a part of the law of Continental countries in the nineteenth century (and so reprobated by Dicey), the emergency provisions in the Weimar constitution. The theory of emergency as embedded in Continental jurisprudence seems to be that situations will arise where the safety of the state requires that ordinary government practices shall be supplanted by extraordinary practices which in normal times would be held unconstitutional. English constitutional theory, being much influenced by the common law, has always been disposed to reject the theory that an emergency can give special powers. In the common law, things ordinarily illegal do not become legal because a hard case presents itself. Anything

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that is legal in an emergency must be legal under any circumstances.[8] Were not the Star Chamber and the High Commission "emergency" tribunals, and done away with as such? Was not the dispensing power claimed by the king an emergency power, and denied finally in 1689 because an emergency power always becomes permanent? Such is, I think, the historical attitude of the English law and the English constitution. At present, however, we must take it as very nearly if not altogether established that a doctrine of emergency is introduced into the constitution according to which unusual things may be done in unusual ways, in time not only of war but of international, industrial, or financial tension. In view of this assumption, "government by order," the "party truce," the abolition of the opposition, the prevalence of secret sessions, and even suspension of local elections and of general parliamentary elections—all these things fit into an orderly picture.

The second doctrine that seems to have arisen out of the present situation is that of England as a democracy. This, like the doctrine of emergency, is normative. We are so used to journalistic use of the term "democracies" to classify roughly governments that are not fascist dictatorships that we seldom stop to remember that not until very recently was England ever spoken of as a democracy, either by the governing classes or by the people. The desire of the governing classes (very largely attained before 1939) was that England should be characterized by liberty and justice, but not by any serious approach to arithmetical equality even in political matters; and the great Conservative party which enrolled a majority of the House of Commons and a large minority of the voters used explicitly to repudiate any such ideal. Many of the mass of Englishmen, on the other hand, professed to desire an English democracy, but were satisfied to place its attainment in the future; they were never under the impression that democracy actually existed. There was, it is true, a strong democratic movement from about 1905 to 1921, which finally exhausted itself with the effort to bestow Irish autonomy. What later came into existence, and was more and more perfected during the 1930's, was a high-minded and well-organized social-service state aiming at the end-results of democracy but rejecting its means—a government for, but in no sense by, the people. It is this high-minded social-service state, controlled by a rather narrow governing class, that has begun recently to call itself a democracy—in contrast to other states where the government of the people seems to be neither *by* nor *for* them.

To stop here, however, would be to tell only half the story. One of the requisites for satisfaction in all modern states has been the need of psycho-

[8] When it is provided, for instance, that regional commissioners, in making local regulations, must secure the consent of the Home Secretary if possible, what is actually meant is that they need submit them to him only if they see fit.

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logical conviction, on the part of the people, that the state is not only administered in their interest but in the last analysis under their control. If the people feel that they control the government, and in particular if they trust the executive and the legislature, the community has some claim, psychologically at least, to the title of democracy.

English prime ministers (it is hardly necessary to say) have never been popularly chosen. It is more important to note that they have not always been popular. In a democracy of the sort we are now analyzing, however, it is probably essential that they should have behind them a very considerable degree of active popular approval. It is interesting to see how this relationship has been secured.

No prime ministers, I suspect, would have been less likely to secure election by a general vote, or by any other common democratic indication of popular favor, than the recent successive heads of conservative governments, Messrs. Bonar Law, Stanley Baldwin, and Neville Chamberlain—at least at the moment of their accession to office. None of these men came into office because he was the choice of the electors, or even of the House of Commons. Yet each, as soon as he was established in office, began to acquire popularity both in the House and in the country, and, contrary to previous expectation, became very popular indeed. If democracy means that the people shall choose their own rulers, then this is not democracy. If, however, democracy may be interpreted as meaning that after a leader has been chosen, the people will adopt him and he and the people will work together in mutual satisfaction, then this is what we might call a "plebiscitary democracy."

In the plebiscitary democracy, a political leader—but only one of the possible available leaders—will secure office. He immediately wins the appreciative support of the majority of the people. He takes the initiative in policy, and can at any time get a majority in the House of Commons and in the popular vote. But suppose a difference arises between the ruler and the people? If it be on any ordinary policy, they will follow his lead. Occasionally, however, he will have to adjust his policy to theirs. Of this sort of adjustment, the best examples are Mr. Baldwin's reversal of policy in the Hoare-Laval crisis and Mr. Chamberlain's reversal in March, 1939. Mr. Chamberlain is perhaps the best example of a leader of such a plebiscitary democracy, since he was by nature the least suited to win the popular esteem that came to him only after he was made prime minister, but which he managed to keep as long as he held office.

A democracy of this sort apparently meets a human need just as much as, and sometimes more than, the parliamentary democracy that England was working towards up to 1921, or the democracy of checks and balances introduced into the United States by the federal constitution of 1787.

Changes in Constitutional Theory. The plebiscitary democracy is the

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child of Rousseau and Hegel, the individualist democracy is the child of Locke and Bentham. In its recent development, the English constitution has finally yielded to the influence of Continental theory.

So strong have been, up to recent years, the traditions of the common lawyers, the ecclesiastical "middle way" of Anglicanism, the natural rights school of philosophers (especially Locke), the English traditionalists like Burke, the utilitarians and individualists (Bentham, Mill, Spencer), that England had never gone outside her own thinking for her political philosophy. During the entire nineteenth century, her domestic ideas were strong enough to ward off those two influences that so overpowered the Continent—Rousseau and the French Revolution, and Hegel and idealism. Toward the end of that century, to be sure, the educated classes, who had studied Continental ideas, continued to reject the socialistic democracy of Rousseau, but showed an inclination to accept idealism. T. H. Green and Bosanquet, in particular, adopted and promulgated a gentlemanly neo-Hegelianism, which in the case of Green at least, was not necessarily anti-Christian. It took about a generation for these ideas to spread outside a very small part of the governing class. After the war of 1914, however, neo-Hegelianism began to have a wider influence. At the same time, Rousseauism began to influence the Socialist movement. Native individualistic ideas began to lose their influence, and these Continental ideas to take their place. The result is the increased respect paid to the state, the new emphasis on duties where the old emphasis was on rights, the new requirement that the state give benefits rather than maintain facilities, and the comparative complacency with which the course of events—any course of events—is regarded. Up to 1939, much of the apparent political lethargy of the country arose from the passive resistance with which large elements in the population (and particularly the Labor party) were meeting the increasing tendency of the government to grant benefits while reserving power. The effect of the war has been to cause most of these elements to accept, for the sort of patriotic motives that would have appealed to Rousseau, the neo-Hegelian magnification of the state.

A corollary is important—the relation of this neo-Hegelianism first to the churches and second to the labor movement. Neo-Hegelianism is monistic. Both religion and labor in England have owed their position to a pluralistic philosophy of society. The Church of England, like any part of the Catholic Church, has been potentially a rival to the state, in its claims to loyalty. The non-conforming churches, by the very nature of their being, add another strongly pluralistic element. Neo-Hegelianism on the Continent has been more or less strongly anti-Christian, and has a similar tendency in England. Such veneration as the state received *must* be taken from the church.

Again the English labor movement arose out of an economic situation

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similar to the religious situation out of which nonconformity arose. Trades unions were originally groups of political dissenters (at first illegal just as were non-conformist churches), and only when dissent came to be allowed could they develop. The English labor movement is of the sort that can flourish only in a pluralist society. It never accepted the neo-Hegelianism of Marxianism (the monism of a communist state). Even before September, 1939, however, official organized labor in England was coming more and more to accept its position as a department of an all-inclusive state, and during the past two years it has become almost an integral part of the machinery of government. Such ecclesiastical or labor leaders as dissent from the new monism tend to put themselves completely outside the whole framework of constitutional life in England today.

The Future. In conclusion, we should perhaps ask the question—if only to disclaim the intention of answering it—what the future of English institutions is to be. It is worth noting, at least as an historical oddity, the assumption once made that the first bomb to fall on London would destroy the British constitution once for all—Parliament sent home, civil liberties abolished, the rule of naked force begun. When Parliament survived—somewhat changed, it is true—when civil liberties continued to be recognized by grace if not by law, and when the government continued to show a decent respect for the judgment of mankind, there was an immediate reaction (perhaps as stupid as the original assumption) and a disposition towards the complacency which remains the characteristic attitude of today. It would be incorrect to suppose that a constitutional revolution has occurred, but it is important to realize that a good many things can never be quite the same again, and that constitutional tendencies exist which may readily promote greater changes in the future.[9]

It is always useful to analyze the past development of the English constitution. Speculations as to its future, however, have only the very slightest normative value. For the English constitution is the product of experience rather than of maxims; it develops not by thought, but by action. "By words we govern men," said Disraeli, who certainly knew what he was talking about. The English constitution, however, is not remade by words, but by deeds; and words can only try to explain and interpret what deeds have done.

EUGENE P. CHASE.

Lafayette College.

[9] A valuable judgment as to the extent to which "crisis legislation" (as he calls it) may permanently affect English institutions is found in Sir Cecil Thomas Carr, *Concerning English Administrative Law* (New York, 1941), Chap. 5 *et passim.*

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NEWS AND NOTES

PERSONAL AND MISCELLANEOUS

Compiled by the Managing Editor

Professor Leonard D. White, of the University of Chicago, has been made a member of the Committee on Administrative Personnel recently established by the U. S. Civil Service Commission.

During the first term of the coming summer quarter at the University of Chicago, Professor Pitman B. Potter will give courses on contemporary diplomatic problems and international organization.

Professor Floyd M. Reeves, whose return to the University of Chicago was expected in the winter quarter, 1942, will remain in Washington as director of the American Youth Commission and for consulting purposes.

Professor Harold S. Quigley, of the University of Minnesota, will give courses at Stanford University in international relations and Far Eastern politics during the summer quarter of 1942.

Dr. M. M. Chambers, recently of the National Youth Administration, has returned to the American Council on Education as an administrative assistant with an assignment to liaison between education and government in the war effort.

Professor Harold H. Sprout, of Princeton University, and Mrs. Sprout, accepted an invitation from the Foundation for the Advancement of the Social Sciences at the University of Denver to spend two weeks in January, distributed among the University of Denver, Colorado College, and the University of Colorado, as visiting lecturers.

Dr. Willmore Kendall, formerly of Hobart College, now holds an assistant professorship at the University of Richmond (Va.).

At Hofstra College, Professor Joseph S. Roucek has been made chairman of the departments of political science and sociology.

Dr. Ward Stewart, a former Littauer fellow at Harvard University, and at various times with the Tennessee Valley Authority, the United States Housing Authority, and the National Youth Administration, has been appointed executive officer of Foreign Funds Control in the Treasury Department.

Professor Lee S. Greene, of the University of Tennessee, has been made a member of the civil service commission of Knoxville.

At the University of Chicago, Professor Harold F. Gosnell has been granted leave of absence to accept appointment as head of the Com-

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munications and Review Section of the Office of Price Administration; Professor Walter H. C. Laves, to direct a unit of the Office of the Coördinator of Inter-American Affairs having to do with interpreting South America to the United States; and Dr. Natan C. Leites, to accept a position with the Special Defense Unit of the Department of Justice. Dr. Hymen E. Cohen, has been appointed instructor and will take over part of the work relinquished by Professor Gosnell and Dr. Leites.

Professor William P. Maddox, of the University of Pennsylvania, has obtained leave of absence to become assistant to the president of the Foreign Policy Association in New York City. Professor Maddox will take over the duties of William T. Stone, who is now with the Board of Economic Warfare in Washington.

Professor John T. Sly, director of the Princeton University Local Government Survey, presented comparative data on the revenues of municipalities at a conference on Louisiana Municipalities and Problems of Defense, held at Louisiana State University, November 6. The forenoon and afternoon sessions were devoted to analysis and discussion, approximately fifty leaders in state, local, and civic affairs being present by invitation. The evening session, open to the general public, was addressed by Governor Jones.

An Institute of Pan-American Relations was held at Drake University, December 5–6, with Professor J. Fred Rippy, of the University of Chicago, Dr. Wallace McClure, of the U. S. Department of State, Professor T. W. Schultz, of Iowa State College, Rear Admiral Ralston S. Holmes, U.S.N., and Mr. Donald Aikman, of the Office of the Coördinator of Inter-American Affairs, among the principal speakers.

On October 31–November 1, the sixth Conference on Governmental Personnel, held at Massachusetts State College, was attended by more than two hundred political scientists, economists, and laymen. The general topic was "The Public Service as a Career"; and principal speakers and discussion leaders included Dr. W. S. Stephens, coördinator and director of training, U. S. Civil Service Commission; Ulysses J. Lupien, director of civil service, Massachusetts; Professor Morris B. Lambie, Harvard Graduate School of Public Administration; and Professor Wolfgang H. Kraus, Smith College.

The fourth Annual Midwest Conference of Political Scientists is scheduled to be held at Spring Mill Inn at Spring Mill State Park, Indiana, on May 15, 16, and 17. Professor Roy V. Peel, of Indiana University, is chairman of the committee on local arrangements and will be assisted by Professors Francis O. Wilcox, of the University of Louisville, J. Harold

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De Nike, of the University of Cincinnati, and Orville B. Alexander, of Southern Illinois Normal University. Professor Arthur W. Bromage, of the University of Michigan, is in charge of planning the program, which will recognize the current situation of government and afford opportunity for open discussion of the functions of political scientists in research, teaching, and public service. The managerial committee of the Conference consists of Professors John E. Briggs, State University of Iowa (chairman); F. R. Aumann, Ohio State University; Oliver P. Field, Indiana University; Albert Lepawsky, University of Chicago; Llewellyn Pfankuchen, University of Wisconsin; J. B. Shannon, University of Kentucky; and Harold Zink, DePauw University (secretary-treasurer).

The *Who's Who of the Allied Governments*, edited by Joel Cang and published in 1941 by the Allied Publications Company, 11 New Road, London E. 1, presents in 79 pages a directory of the government agencies as well as diplomatic and consular representatives of the exiled governments of Poland, Czechoslovakia, Norway, the Netherlands, Belgium, and Free France. In a subsequent edition it is planned to include the exiled government of Greece and apparently also that of Yugoslavia. The government of Luxemburg, which has its seat at Montreal, Canada, is the only government in exile not included.

The American Academy of Political and Social Science, 3457 Walnut Street, Philadelphia, now offers student memberships at three dollars a year instead of the regular dues of five dollars a year. The only requirement is that the student indicate the name of the educational institution at which he is enrolled. Since these student memberships were first offered in the summer of 1940, about 275 students have joined. A considerable number of persons have given memberships to students in whom they are interested or have made gifts leaving to the Academy the designation of the students.

The American Council of the Institute of Pacific Relations held a Regional Conference at Cleveland, Ohio, December 6–7, to study the crisis in the Pacific. Mr. Brooks Emeny, director of the Cleveland Foreign Affairs Council, was chairman of the Conference, the success of which was in large measure due to the work of the Foreign Affairs Council staff in setting up the program and in making the local arrangements. The program included a plenary session on the topic "The Merging Wars"; three round-table discussions dealing successively with the politico-military situation, Japan's "New Order in Asia," and America's Far Eastern objectives; and a final plenary session scheduled to consider the conditions of peace in the Pacific area. Announcement of the bombing of Pearl Harbor, coming a few minutes before the last session started, diverted the

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discussion to the war in the Pacific. Participants in the Conference included Professors Ernest B. Price, University of Chicago; Harold M. Vinacke, University of Cincinnati; James T. Watkins, IV, Ohio State University; and Wilbur W. White, Western Reserve University; also Congressmen Bolton, Chipperfield, Jonkman, Mundt, and Vorys.

The International Labor Conference. 1941. Thirty-five nations sent delegations to the session of the International Labor Conference held in New York City October 27–November 4 and in Washington, D. C., on November 5, 1941. This session (regarded officially as a special one) was the first to be held since the outbreak of the European war.[1] A total of some 190 delegates and advisers were reported to have attended. Absent were delegations from the Baltic countries, Bulgaria, Finland, Hungary, Rumania, Spain, Switzerland, Turkey, and the U.S.S.R. The occupied countries of Belgium, Czechoslovakia, Greece, Holland, Norway, Poland, and Yugoslavia were represented by complete delegations; Luxemburg, by two government delegates; and France, by one government delegate.

The debate on the Director's report to the Conference provided an opportunity, for the first time since the outbreak of European war, for a general and popular discussion of war issues and reconstruction at the end of the present war.[2] In this respect, the Conference undoubtedly rendered a substantial service in the mobilization of public opinion in support of a stronger union of nations to meet post-war problems. No such extensive international gathering, and no such complete and detailed discussion of the post-war world, took place during the World War of 1914–18.[3] The influence of this session, and of succeeding sessions, of the Conference on the post-war settlement is likely to be appreciable.

The Conference also provided an opportunity for renewing and strengthening contacts between the governments of smaller countries, and

[1] The twenty-sixth session of the Conference was originally scheduled for June, 1940, but was postponed when the German armies invaded the Lowlands. *The I. L. O. and Reconstruction: Report by the Acting Director of the International Labour Office to the Conference of the International Labour Organisation*, New York, Oct., 1941 (Montreal, 1941), p. 73; Smith Simpson, "The I. L. O. in War-Time," *American Labor Legislation Review*, Vol. 31, No. 3 (Sept., 1941), pp. 121–128; "The, International Labor Organization in 1940," *American Journal of International Law*, Vol. 35, No. 2 (Apr., 1941), pp. 359–363.

[2] The Inter-Allied Conference of September 24, 1941, held at London, was representative of governments only. *New York Times*, Sept. 25, 1: 1.

[3] For descriptions of the meetings held during the first World War, see Carol Riegelman, "War-Time Trade Union and Socialist Proposals," in J. T. Shotwell (ed.), *Origins of the International Labor Organization* (New York, 1934); Lewis L. Lorwin, *Labor and Internationalism* (New York, 1929), pp. 181–185. At the 26th session of the International Labor Conference, 66 delegates from 27 countries took part in the discussion. *Provisional Record*, p. 305.

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between employers and workers. This gave rise to a meeting of the governments of central European countries and a declaration by them of an intention to consider a post-war plan for the reconstruction of central Europe.[4] The Conference gave rise, also, to a meeting of the International Federation of Trade Unions. One can visualize a very considerable influence to result from such extra-Conference relationships.

The resolutions adopted by the Conference covered a wide range of subjects mainly concerned with post-war developments.[5] One requested the Director to begin immediately to plan for the establishment of a World Textile Office under the aegis of the I.L.O.[6] Another authorized the Director to start consultations so that, when the war ends, plans may be put into effect immediately for the "regulation of economic and social conditions in the mercantile marine."[7] A third endorsed the "Atlantic Charter," thus enhancing the usefulness and practical value of this declaration of last August.[8] Another requested the Governing Body to take appropriate steps, and to consider the appointment of a committee, to encourage the export of goods from American countries as a means of diminishing unemployment.[9] A fifth expressed the feeling of the Conference that agrarian reform was desirable in countries essentially agricultural in order to permit a rational mobilization of agricultural resources

[4] *New York Times*, Nov. 3, 1941, 3: 3. See also the joint declaration made at the Conference by the governments and employers' and workers' delegates of Czechoslovakia, Greece, Poland, and Yugoslavia. *Provisional Record*, pp. 318–319.

[5] Conference of the International Labor Organization, New York, Oct.-Nov., 1941. Resolutions adopted by the Conference (mim.)

[6] *Provisional Record*, pp. 301–303. Objection was taken to the resolution by the Mexican Government on the ground that it involved a violation of national sovereignty. *Ibid.*, p. 303. The special interest of the International Labor Organization in the textile industry dates from a resolution adopted by the eleventh session of the International Labor Conference in 1928 requesting an inquiry into working conditions in that industry. *Record of Proceedings*, International Labor Conference, Eleventh Session, 1928, pp. 354–357. This inquiry, although begun, was disorganized by the depression which began in 1929 and was not completed. The World Textile Conference, called by the I.L.O. in 1936, resumed the thread of interest. For the two monumental studies presented to the Textile Conference, see *World Textile Industries, Studies and Reports*, Series B, No. 27 (Geneva, 1937). For comments on the Conference, see Smith Simpson, "The World Textile Conference," *Washington Post*, Apr. 17, 1937, and "The I.L.O. Month by Month," *American Federationist*, Vol. 44, No. 5 (May, 1937) pp. 501–508. At the 86th session of the Governing Body (Feb., 1939), the International Labor Office was instructed to establish a tripartite textile committee "to consider labor conditions in the textile industries, taking into account those aspects of the industries which, directly or indirectly, may have a bearing on the improvement of those conditions, and to make recommendations to the Governing Body." *Minutes of the 86th Session of the Governing Body*, pp. 54–61.

[7] *Provisional Record*, pp. 339–342.

[8] *Idem*, pp. 343–347.

[9] *Idem*, pp. 349–361.

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and improvement of nutrition.[10] Other resolutions adopted by the Conference were based on the report of the Conference's Committee on Collaboration and emphasized the interest of the I.L.O. in coördinated effort on the part of public authorities, workers, and employers in the winning of the war and the peace thereafter.[11] Since this question of collaboration proved too large and complex to be treated adequately by a single session, the Conference requested that it be placed on the agenda of the next session.[12]

In addition to the foregoing resolutions, and among the more important resolutions adopted by the Conference, was one which had its genesis with the delegation of the United States. This requested the Governing Body to call to the attention of governments of all member states the need for associating the I.L.O. with post-war reconstruction, and to ask that the I.L.O. be represented in any peace or reconstruction conference following the war; to request such governments to set up representative agencies to study post-war problems; and to set up from its own membership a small tripartite committee to prepare measures of reconstruction and emergency measures to deal with unemployment.[13] Added significance was given to the resolution by President Roosevelt's invitation to the Conference to hold its final session at the White House.

The sum total of the Conference resolutions is greatly to expand the scope and usefulness of the International Labor Organization. Combined with the fact that the I.L.O. is the only general international institution which is continuing to function during the war, the pressure of events and the success of the New York Conference make the I.L.O. possibly the most important instrument for democratic policy in international affairs. Its significance to practical statesmen, as well as to students of political science, can therefore be expected to increase considerably as the months pass.—SMITH SIMPSON.

Thirty-seventh Annual Meeting of the American Political Science Association. The thirty-seventh annual meeting of the American Political Science Association was held in New York City December 28–31, 1941, with the Hotel Pennsylvania as headquarters. This was a joint meeting with the American Society for Public Administration, which held its third annual meeting on December 27–30. Registrants for both associations numbered 1,024. This registration compares with 403 registrants when the Association met in Chicago in 1936; 531 in 1937 in Philadelphia; and 555 in 1938 in Columbus. At the joint annual meeting of the two societies in 1939 in Washington, D. C., there were 1,232 registrants; and in 1940 in Chicago, 1,130 registrants.

[10] *Idem*, pp. 350–361. [11] *Idem*, pp. 322–328.
[12] *Idem*, p. 328. No date was set for the next session of the Conference.
[13] *Idem*, pp. 330–337.

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The annual meeting afforded several unique features, one of which was the series of visits to governmental and research agencies in the city of New York arranged by the Committee on Local Arrangements under the chairmanship of Phillips Bradley (Queens College).

The joint program constructed by the two program committees under the chairmanship of Francis G. Wilson (University of Illinois) and Earl H. DeLong (Northwestern University) devoted a large portion of its offerings to national policy and government under the impact of war. Among the participants was an unusually large number of governmental officers who brought to the two societies the benefit of their experience in the governmental service.

As in the previous annual meetings, the program consisted of section meetings, round-tables, and general sessions. The section meetings were organized to present the problems of the major fields of political science. Papers were presented by recognized authorities, followed by comments by discussion leaders and also discussions from the floor. Round-table meetings were informal, without the reading of papers or the delivery of prepared speeches, but with statements and discussion by a panel of speakers, followed by discussion from the floor. There were thirteen sections and ten round-tables. By use of the one-name-listing rule and other devices, the Committee on Program sought to give more opportunity to the younger scholars to participate in the section meetings and round-tables.

At the general luncheon on Saturday, Emil Davies, former chairman of the London County Council, discussed changes in the administration of London to meet war necessities. At the general luncheon on Monday, Robert Ramspeck, United States Representative from Georgia, and Joseph Hurst Ball, United States Senator from Minnesota, gave frank and illuminating discussions of labor legislation pending in Congress. The Tuesday luncheon was devoted to an address by Hanson W. Baldwin, military adviser of the *New York Times*, whose remarks were followed by radio reception of the address of Winston Churchill before the Canadian Parliament in Ottawa. At the Wednesday luncheon, Professor James T. Shotwell, of Columbia University, discussed "The Post-War Organization of Peace."

The presidential addresses were given on Monday evening—that of President Frederic A. Ogg (University of Wisconsin) on "American Democracy—After War," and that of President Harold D. Smith (U. S. Bureau of the Budget) on "The Management of Government in a Democracy." According to the custom of the Political Science Association, mimeographed copies of the president's address were distributed at the evening session, while the text is published in the present issue of the REVIEW.

The general session on Tuesday evening, under the chairmanship of

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Frederic A. Ogg, was devoted to the question of "Learned and Professional Societies in Time of War." Short addresses were given by William Anderson (University of Minnesota), Arthur N. Holcombe (Harvard University), and Luther Gulick (Institute of Public Administration). Robert T. Crane, director of the Social Science Research Council, was present and responded to several questions put to him from the floor. Elbert D. Thomas (United States senator from Utah), Harvey Walker (Ohio State University), John A. Vieg (Iowa State College), and several other members of the Association participated in the discussion. The consensus of opinion was that: (a) the American Political Science Association, along with other learned and professional societies, has an important part to play in the maintenance of morale and development of personnel and technique during war-time; (b) the Association should continue its annual meetings during the war unless the President of the United States decides that such meetings will interfere with the national effort for victory; (c) members of the teaching profession should remain at their posts in colleges and universities until the government requires their services elsewhere; (d) care should be exercised in the selection and appointment of political scientists to governmental positions in order to prevent waste of skills and talents and frustration of effort.

Other societies meeting with the two associations in New York were: the National Council for the Social Studies, the Society of American Archivists, the Association of American Geographers, the American Sociological Society, the National Foundation for Education in American Citizenship, and the American Association for Labor Legislation.

The joint program, revised to show the names of only those persons who actually participated in the various sessions, was as follows:

Saturday, December 27, at 9:30 A.M.

ROUND-TABLE MEETINGS

ADMINISTRATION OF FOOD PRODUCTION AND DISTRIBUTION IN WAR

Chairman: James L. McCamy, Bennington College
Secretary: David B. Truman, Cornell University

No public administrators in the United States have contributed more to the science of administration or have more nearly approached in practice the ideals of effective and enlightened public administration than those in the agencies relating to problems of food and agriculture. Their functional responsibility vitally affects the success of our war effort. Their experience and methods are important examples to be considered in public administration in general and in war administration in particular.

Speakers: R. M. Evans, Agricultural Adjustment Administration; Roy F. Hendrickson, Federal Surplus Commodities Corporation; T. Roy Reid, United States Department of Agriculture; Howard R. Tolley, United States Bureau of Agricultural Economics; David Meeker, United States Department of Agriculture;

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Hazel Stiebling, Bureau of Home Economics, United States Department of Agriculture.

Collective Bargaining in the Public Service

Chairman: William M. Leiserson, National Labor Relations Board
Secretary: Henry J. McFarland, New York State Civil Service Commission

Every administrator has faced or will meet the problem of the extent to which employee organizations shall be permitted, encouraged, or recognized in the determination of administrative matters affecting employees. How far can or should a public authority bargain collectively and make agreements with employee organizations? To what extent are public and private employment relations analogous? This session will explore these controversies, giving special attention to a committee report of the Civil Service Assembly on "Employee Relations."

Speakers: Gordon R. Clapp, Tennessee Valley Authority; H. Eliot Kaplan, National Civil Service Reform League; Eric A. Nicol, Office of Production Management; Arnold S. Zander, American Federation of State, County, and Municipal Employees; Jacob Baker, Federal Works Agency; Sterling D. Spero, New York University.

Federal-State-Local Administrative Relations in War

Chairman: Alvin Roseman, Office of Defense Health and Welfare Services
Secretary: David Rockefeller, (same)

State and local officials must be integrated into our national war machinery. What is the nature of the resulting administrative relationship? How effective is the federal effort to coördinate and supplement overburdened local services? What are the federal government's administrative objectives in this connection? What is the state and local response?

Speakers: Raymond T. Bowman, Pennsylvania State Department of Public Assistance; Fred K. Hoehler, American Public Welfare Association.

Work Programming and the Measurement of Performance

Chairman: Joseph Pois, United States Bureau of the Budget
Secretary: Irving Tenner, Municipal Finance Officers Association

Much has been said and written about the establishment of standards and units of administrative performance. Are you merely making yourself a lot of useless paper work because someone has told you that these devices are the fad of the moment, or are you really using them as effective instruments of administrative planning and supervision?

Speakers: Verne Lewis, United States Department of Agriculture; Earl W. Loveridge, United States Forest Service; Thomas H. Reed, consultant, New York City; Herbert Simon, University of California.

Comparative Administration—More Intimate View

Chairman: Fritz Morstein Marx, Queens College
Secretary: Harold Seidman, Department of Investigation, New York City

With occasional notable exceptions, public administration has meant to us primarily our own experience. Scores of Europe's ranking students and practitioners of administration have taken refuge in the United States. Their presence

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here is our opportunity to add their experience to our own and to bring to American attention the fact that Comparative Administration is a field altogether worthy of independent emphasis.

Speakers: Emil Davies, London County Council, England; J. van Beusekom, Internal Administration, Netherlands Indies; Michael S. Mirski, Foreign Trade Administration, Poland; Arnold Brecht, New School for Social Research; Waldo Waltz, United State Bureau of the Budget; Herbert Emmerich, Office of Production Management; Comstock Glaser, Social Security Board.

Saturday, December 27, at 12:30 P.M.

GENERAL LUNCHEON

War-Time Administration of London

Chairman: Joseph M. Cunningham, First Deputy Comptroller, City of New York
Address by Emil Davies, Past Chairman, London County Council, England

Saturday, December 27, at 4:00 P.M.

BUSINESS MEETING

Chairman: President Harold D. Smith, United States Bureau of the Budget

The annual business meeting of the American Society for Public Administration.

Sunday, December 28, at 9:30 A.M.

ROUND-TABLE MEETINGS

The Administration of War Supply Requirements and Allocations

Chairman: Herbert Emmerich, Office of Production Management
Secretary: Lyle E. Craine, United States Bureau of the Budget

The mobilization for war of the resources and the industry of the United States involves tremendous and intricate problems of administrative organization and coördination. The fundamental problem of administrative organization for war will be the topic in the joint round-table on "War Administration" on Monday morning. The present session will discuss the coördination of agencies concerned with war-supply in those phases of their work which relate to the administration of supply requirements and allocations.

Speakers: J. Douglass Brown, Office of Production Management; Bernard L. Gladieux, United States Bureau of the Budget; A. C. C. Hill, Office of Production Management; Joseph Weiner, Office of Production Management; John Hazard, Office of Lend-Lease Administration; Colonel R. B. Lord, Economic Defense Board.

Municipal Administration in Latin America

Chairman: Carlos Morán, Pan American Commission on Intermunicipal Coöperation
Secretary: Bryce Wood, Columbia University

Not only do the countries of Central and South America have cultural and diplomatic interest for us as our compatriots in the Western Hemisphere, but their administrative experience is extensive and different and should have wide interest for us as professional public administrators.

Speakers: Paulo Correa, Director, Revista do Serviço Público, Brazil; Rowland Egger, Division of the Budget, Commonwealth of Virginia.

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PROCEDURAL DUE PROCESS IN DEFENSE AND WAR

Chairman: Robert E. Sessions, Tennessee Valley Authority
Secretary: Patterson French, Committee on Public Administration, Social Science Research Council

Is it possible to attain administrative efficiency in war-time and at the same time to recognize and protect the private interests which are affected? Do the members of the legal staffs unduly obstruct administrative effectiveness? Are administrators needlessly inconsiderate of private rights? What has happened to the concept of fair hearing under the pressure of national defense? What is happening to it under the pressure of war? What are the permanent implications of collateral use of one administrative authority to enforce some other unrelated objective?

Speakers: George S. Pettee, Office of Production Management; James Perkins, Office of Price Administration; Avery Leiserson, Princeton University; Harvey Mansfield, Yale University; Frederick F. Blachly, Brookings Institution; James Hart, University of Virginia.

THE RÔLE OF THE BOARD SECRETARY

Chairman: G. Lyle Belsley, Office of Production Management
Secretary: John Iglauer, Montclair, New Jersey, Department of Public Works

The position of the board secretary is unique in administrative relationships and responsibilities. This session is a forum to promote a clearer understanding of the similarities and contrasts characteristic of this position.

Speakers: Maurine Mulliner, Social Security Board; Phillip B. Thurston, New York City Planning Commission; Gordon R. Clapp, Tennessee Valley Authority; Burton L. Hunter, United States Bureau of the Budget; Charles S. Ascher, Social Science Research Council.

Sunday, December 28, at 1:00 P.M.

SPECIAL LUNCHEON

Chairman: Leonard D. White, University of Chicago

EDITORIAL BOARD OF THE *Public Administration Review*

Monday, December 29, at 8:00 A.M.

BREAKFAST CONFERENCE

AMERICAN POLITICAL SCIENCE ASSOCIATION AND AMERICAN SOCIOLOGICAL SOCIETY

Chairman: Charles J. Bushnell, University of Toledo

A discussion of the professional assistance social scientists may render the government in the present emergency.

Monday, December 29, at 9:30 A.M.

ROUND-TABLE MEETINGS

(1) WAR ADMINISTRATION (*First Session*)

Chairman: Arthur N. Holcombe, Harvard University
Secretary: Eleanor F. Dolan, Western Reserve University

Administrative organization for war

Speakers: William D. Boutwell, Office of Education; Ernest S. Griffith, Library of

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Congress; Joseph P. Harris, University of California; Donald C. Stone, United States Bureau of the Budget.

Discussion Leader: Wayne McCoy, Executive Office of the President.

(2) The State Legislature (*First Session*)

Chairman: Roger V. Shumate, University of Nebraska
Secretary: Christian L. Larsen, Western Reserve University

The influence of the legislature on administration; the legislature in relation to administrative organization; administrative personnel; legislative control over administration through appropriations; the investigation of administrative agencies; and the influence of legislative councils upon administration.

Speakers: Frederick F. Blachly, Brookings Institution; Edith C. Bramhall, Colorado College; James C. Charlesworth, University of Pennsylvania; John M. Pfiffner, University of Southern California; Frederic H. Guild, Kansas Legislative Council.

Discussion: Joseph P. Chamberlain, Columbia University, President, American Association for Labor Legislation.

(3) New Problems of Local Government (*First Session*)

Chairman: William S. Carpenter, Princeton University
Secretary: Elias Huzar, Cornell University

Local government and civilian defense

Speakers: T. Ledyard Blakeman, New Jersey State Planning Board; Harold M. Lewis, New York Regional Planning Association; John F. Sly, Princeton University; Paul T. Stafford, Princeton University; Morton L. Wallerstein, National Resources Planning Board.

(4) Personnel Administration (*First Session*)

Chairman: J. Alton Burdine, University of Texas
Secretary: Esther Richman, Queens College

The delegation and decentralization of authority in personnel administration; the relative responsibilities of the central personnel agency and personnel divisions in operating departments, and of the central personnel division in operation departments and line officials; geographical and functional decentralization.

Speakers: James M. Mitchell, Civil Service Assembly; Harvey Pinney, New York University; Paul Kern, New York City Civil Service Commission; James E. Hoofnagle, United States Department of Agriculture.

(5) Problems in the Government of New York City (*First Session*)

Chairman: Wallace S. Sayre, Civil Service Commission, New York City
Secretary: Ruth Weintraub, Hunter College

Administrative coördination and controls; exposition, analysis, and prognosis of over-all administrative agencies and procedures for coördination and control of the operating agencies of New York City; the creation of new staff agencies and new coördinating procedures; the strengthening of the existing coördinating agencies; the effects of the new city charter of 1938.

Speakers: Joseph Cunningham, First Deputy Comptroller, City of New York; Kenneth Dayton, Director of the Budget, City of New York; Arthur W. Mac-

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mahon, Columbia University; Albert Pleydell, Deputy Commissioner of Purchase, City of New York; Lawrence M. Orten, New York City Planning Commission; Harold Seidman, Department of Investigation, City of New York.

(6) JUDICIAL ADMINISTRATION (*First Session*)

Chairman: J. A. C. Grant, University of California, Los Angeles
Secretary: Victor A. Thompson, Columbia University

Problems in the administration of a dual system of courts, federal and state; concerning multiple interpretations of the common law and of "uniform state laws"; the administration of state law in the federal courts and in the courts of other states, and of federal law in state courts.

Speakers: Robert J. Harris, Louisiana State University; John Willis, Dalhousie University.

(7) PROBLEMS OF TEACHING IN POLITICAL SCIENCE (*First Session*)

Chairman: John A. Vieg, Iowa State College
Secretary: Stanley Grill, Brooklyn College

The problem of putting more political science into the course on American government; the essential insights and concepts of political science and how these can best be embodied in the basic course in American government as the only course in political science that some students may take; can the philosophy of democracy be taught in detachment from the science of government?

Speakers: Earl S. Johnson, University of Chicago; John Day Larkin, Illinois Institute of Technology; E. M. Kirkpatrick, University of Minnesota; Dell G. Hitchner, Coe College.

SECTION MEETINGS

(A) FINANCING THE WAR (*First Session*)

Chairman: Simeon E. Leland, University of Chicago
Secretary: Raymond Uhl, University of Virginia

Policies and experience abroad

"*German War Finance,*" Otto Nathan, New York University.
"*British War Finance,*" W. F. Brook, New School for Social Research.
"*Australian War Finance,*" Arthur Smithies, University of Michigan.
"*Canadian Financial Policies,*" W. A. Mackintosh, Economic Adviser to the Minister of Finance, Ottawa, Canada.

(B) GOVERNMENT AND BUSINESS (*First Session*)

Chairman: James W. Fesler, Office of Production Management
Secretary: Claude E. Hawley, University of Florida

Government control of production and prices in a war economy

"*Direct Governmental Control of Production and Prices,*" Lincoln Gordon, Harvard University.
"*The Impact on Labor of Governmental Control of Production and Prices,*" Robert R. R. Brooks, Office of Production Management.

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(C) PUBLIC LAW (*First Session*)

Chairman: Charles Aikin, University of California, Berkeley
Secretary: Jacobus ten Broek, University of Chicago

American federalism: current decentralizing tendencies

"*Judicial Attitudes toward State-Federal Relations,*" Charles Fairman, Stanford University (Paper read by Wallace Brewster, Pennsylvania State Teachers College).

"*Recent Application of the Federal Principle of the Relationship between National and State Courts,*" Kenneth C. Cole, University of Washington.

"*Decentralized Administrative Techniques of the National Government,*" Albert Abel, University of West Virginia.

"*Developments in the Field of Inter-Governmental Immunity: Decentralizing Factors,*" Robert E. Cushman, Cornell University.

"*State Control of Extraterritorial Matters,*" Thomas Reed Powell, Harvard University.

(D) THE PACIFIC AREA (*First Session*)

Chairman: George H. Blakeslee, Clark University
Secretary: George E. McReynolds, University of Connecticut

The Far Eastern policies of the United States

"*The Policies in Execution,*" Rear Admiral H. E. Yarnell, United States Navy (Retired).

"*Policies for the Future,*" Robert Aura Smith, *New York Times.*

"*Conflicts in Policy with Japan,*" George N. Steiger, Simmons College.

Discussion: T. A. Bisson, Foreign Policy Association; William C. Johnstone, George Washington University; Tyler Dennett, formerly President, Williams College.

(E) AMERICAN FOREIGN POLICY (*First Session*)

Chairman: Walter R. Sharp, College of the City of New York
Secretary: Elliot Cassidy, University of Illinois

The future of Anglo-American relations

"*Anglo-American Post-war Coöperation and the Interests of Continental Europe,*" Arnold Wolfers, Yale University.

"*Anglo-American War-time Collaboration as the Nucleus of World Order,*" H. Duncan Hall, Harvard University.

"*Canada, United States, and Great Britain,*" Gordon Skilling, University of Wisconsin.

Discussion: Grayson Kirk, Columbia University.

(F) TRENDS IN EUROPEAN GOVERNMENT (*First Session*)

Chairman: Arnold J. Zurcher, New York University
Secretary: Carl Hart Schaaf, College of William and Mary

"*Current Constitutional Tendencies in England,*" E. P. Chase, Lafayette College.

"*The Evolution of Economic Planning in Germany and Its Effect upon Foreign Ideologies Since the Last War,*" Heinrich Bruening, Harvard University.

"*Political Trends in Contemporary France and Their Relationship to the Downfall of the French Republic,*" Yves R. Simon, Notre Dame University.

"*The French Situation,*" Pierre de Lanux, French High Commissioner to the United States, World War I.

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Monday, December 29, at 12:30 P.M.

JOINT SUBSCRIPTION LUNCHEON

LABOR AND THE WAR

Addresses: The Honorable Robert Ramspeck, United States Representative from Georgia; The Honorable Joseph Hurst Ball, United States Senator from Minnesota.

Chairman: William E. Mosher, Syracuse University

Monday, December 29, at 2:30 P.M.

ROUND-TABLE MEETINGS

Chairman: E. Pendleton Herring, Harvard University
Secretary: Cedric Larson, Department of War

(8) CIVIL-MILITARY RELATIONS IN A DEMOCRACY (*First Session*)

The relation between the general public and military authorities; civil defense and its implications for present and future civil-military relations; the public relations work of the War Department; the problem of welfare and recreation; British experience in the present war.

Speakers: Edward L. Bernays, Public Relations Counsel; Eric Biddle, American Public Welfare Association; William D. Carey, Office of Civilian Defense; Fred Hoehler, Army and Navy Joint Committee on Welfare and Recreation; Cedric Larson, Department of War; Albert Lepawsky, University of Chicago; Edwin Martin, Plant Site Board, Office of Production Management; Major Otto L. Nelson, United States Military Academy; Carl B. Swisher, Johns Hopkins University; Wolfgang Kraus, Smith College.

(9) THE ORGANIZATION OF PEACE (*First Session*)

Chairman: Clyde Eagleton, New York University
Secretary: Grady Nunn, New York University

The examination of general principles of objectives fundamental in the organization of peace.

Speakers: Clarence A. Berdahl, University of Illinois; Denna F. Fleming, Vanderbilt University; William T. R. Fox, Princeton University; H. Duncan Hall, Harvard University; William P. Maddox, University of Pennsylvania.

(10) PUBLIC OPINION (*First Session*)

Chairman: Charles W. Smith, Jr., University of Alabama
Secretary: Laverne Burchfield, Public Administration Service

Problems of communication, the press, radio and motion pictures; a discussion of recent developments in the field of communication.

Speakers: Harwood L. Childs, Princeton University; Paul F. Lazarsfeld, Office of Radio Research.

SECTION MEETINGS

(G) MUNICIPAL GOVERNMENT (*First Session*)

Chairman: Joseph D. McGoldrick, Comptroller, New York City
Secretary: Erwin W. Bard, Brooklyn College

City planning: the present makes the future.

"*Planning Now for Post-War Public Works,*" Edwin A. Salmon, New York City Planning Commission.

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"Emergency Planning," M. P. Catherwood, New York State Division of Commerce.
"City Planning Faces the Future," T. T. McCrosky, Chicago Plan Commission.
Discussion: Harold S. Buttenheim, American Society of Planning Officials; Alfred Bettman, Cincinnati City Planning Commission; Charles S. Ascher, Committee on Public Administration; Homer Hoyt, Chicago Plan Commission; Charles B. Lawrence, Federal Works Agency; Morton L. Wallerstein, Virginia State Planning Board.

(H) International Law (*First Session*)

Chairmen: Robert R. Wilson, Duke University
William C. Johnstone, George Washington University
Secretary: William I. Cargo, University of Michigan

Neutrality and non-belligerency

"Neutrality as a Legal Problem," Hans Kelsen, Harvard University.
"Law in the World at War," Norman J. Padelford, Fletcher School of Law and Diplomacy.
Discussion: Francis G. Wilson, University of Illinois; F. S. Burin, College of the City of New York; William J. Flory, Government of New Jersey; Max Laserson, Research Institute of Jewish Affairs; A. Szper, University of North Carolina; Kurt Wilk, Brooklyn College.

(I) The Grand Strategy of National Defense (*First Session*)

Chairman: Harold H. Sprout, Princeton University
Secretary: Seymour F. Friedman, Queens College

The present emergency

"Military Strategy," Rear Admiral H. E. Yarnell, United States Navy (Retired).
"Economic Warfare," Percy W. Bidwell, Council on Foreign Relations, New York City.
"National Morale," Hadley Cantril, Princeton University.

(J) Latin America (*First Session*)

Chairman: Malcolm Davis, Carnegie Endowment
Secretary: Margaret Ball, Wellesley College

An appraisal of Inter-American relations

"Political and Economic Developments in Inter-American Relations," Laurence Duggan, United States Department of State.
"Alien Totalitarian Activities in South America," Graham H. Stuart, Stanford University.
Discussion: S. D. Myres, Jr., Southern Methodist University; Russell H. Fitzgibbon, University of California, Los Angeles; Henry P. Jordan, New York University.

(K) Political Parties (*First Session*)

Chairman: Claudius O. Johnson, Washington State College
Secretaries: Selma French and Jane Gilroy, Queens College

Party discipline in Congress in crisis legislation

"Discipline in the Majority Party: Internal Forces," Senator Elbert D. Thomas, Utah.

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"*Discipline in the Majority Party: External Forces,*" Floyd M. Riddick, Congressional Intelligence.

"*Discipline in the Minority Party,*" Daniel A. Reed, United States House of Representatives. (Paper read by Burton L. French, Miami University.)

(L) CITIZENSHIP EDUCATION

Chairman: Frederic A. Ogg, University of Wisconsin
Secretary: John B. Mason, Fresno State College

Conference on the federal program for citizenship education.

"*Citizenship Education on a Nation-Wide Scale,*" William F. Russell, Teachers College, Columbia University.

"*The Program in Action,*" Marshall E. Dimock, Immigration and Naturalization Service.

Discussion: Samuel R. Harrell, National Foundation for Education; Walter M. Kiplinger, Work Projects Administration.

(M) CITIZEN ORGANIZATION (*First Session*)

Chairman: Roy V. Peel, Indiana University
Secretary: Phillip Thorson, United States Department of Agriculture

The present status of citizen organization

"*The Need for Effective Citizen Organization,*" William E. Mosher, Maxwell School of Citizenship and Public Affairs.

"*The Problem of Citizen Organization with Reference to the Present Crisis,*" Charles W. Taft, Office of Defense Health and Welfare Service.

Discussion: Howard P. Jones, National Municipal League; O. Garfield Jones, University of Toledo; Fritz Morstein Marx, Queens College; Father Edward Dowling, The Queens Work, St. Louis, Missouri; Fred Kelly, Writer, Peninsula, Ohio.

Monday, December 29, at 8:00 P.M.

PRESIDENTIAL ADDRESSES—JOINT SESSION

Chairman: Joseph P. Chamberlain, Columbia University

"*American Democracy—After War,*" Frederic A. Ogg, University of Wisconsin, and President, American Political Science Association.

"*The Management of Government in a Democracy,*" Harold D. Smith, Director, United States Bureau of the Budget, and President, American Society for Public Administration.

Monday, December 29, at 9:30 P.M.

SMOKER

Host: Columbia University

Tuesday, December 30, at 7:30 A.M.

BREAKFAST CONFERENCES

EDITORS OF SOCIAL SCIENCE PUBLICATIONS

Chairman: Robert J. Harris, Louisiana State University, and Editor, *Journal of Politics*
Secretary: Howard Penniman, University of Alabama

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INTERNATIONAL LABOR ORGANIZATION

Chairman: Elmo P. Hohman, Northwestern University

"*The International Labor Organization Today*," E. J. Phelan, International Labor Office.

NATIONAL COUNCIL FOR THE SOCIAL STUDIES

Chairman: Harrison C. Thomas, New York City Board of Education

Training for citizenship outside the class room: (a) through student participation in community activities; (b) through participation in school government.

Speakers: Mildred P. Ellis, High School, Framingham, Massachusetts; James K. Pollock, University of Michigan; Mary Meade, Tottenville High School, New York City; S. P. McCutchen, New York University.

MANAGERIAL COMMITTEE OF THE MIDWEST CONFERENCE OF POLITICAL SCIENTISTS

Chairman: John E. Briggs, State University of Iowa

PENNSYLVANIA POLITICAL SCIENCE AND PUBLIC ADMINISTRATION ASSOCIATION

Chairman: Charles C. Rohlfing, University of Pennsylvania

INSTITUTE INTERNATIONAL DE DROIT PUBLIC

Chairman: Edward S. Corwin, Princeton University

WOMEN MEMBERS OF THE AMERICAN POLITICAL SCIENCE ASSOCIATION

Chairman: Edna R. Fluegel, College of St. Catherine

Tuesday, December 30, at 9:30 A.M.

ROUND-TABLE MEETINGS

(1) WAR ADMINISTRATION (*Second Session*)

Chairman: Arthur N. Holcombe, Harvard University
Secretary: Eleanor F. Dolan, Western Reserve University

Administration of economic warfare

Speakers: Lynn R. Edminster, United States Department of State; J. Ralston Hayden, Office of the Coördinator of Information; Ralph Turner, Far Eastern Division of the Board of Economic Warfare; Dr. Butterworth, Bureau of Foreign and Domestic Commerce; Duncan Aikman, Office of the Coördinator of Inter-American Affairs.

(2) THE STATE LEGISLATURE (*Second Session*)

Chairman: Roger V. Shumate, University of Nebraska
Secretary: Christian L. Larsen, Western Reserve University

The influence of the administrative branch on legislation; the rôle of the governor in legislation; the rôle of the administrative departments in legislation; the administrative lobby in legislation; law-making by administrative agencies; administrative research and legislation.

Speakers: T. V. Smith, University of Chicago; Glenn Negley, University of Illinois; Edwin E. Witte, University of Wisconsin; George A. Shipman, Duke University; C. S. Hyneman, Louisiana State University.

Discussion: Joseph P. Chamberlain, Columbia University

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(3) NEW PROBLEMS OF LOCAL GOVERNMENT (*Second Session*)

Chairman: William S. Carpenter, Princeton University
Secretary: Elias Huzar, Cornell University

Roads, schools, and welfare

Speakers: William J. Ellis, Commissioner of Institutions and Agencies, New Jersey; Henry F. Long, Commissioner of Taxation, Massachusetts; John F. Sly and Paul T. Stafford, Princeton University; Alfred D. Simpson, Harvard University.

(4) PERSONNEL ADMINISTRATION (*Second Session*)

Chairman: J. Alton Burdine, University of Texas
Secretary: Esther Richman, Queens College

Coöperation among federal, state, and local personnel agencies; consideration of the need for such coöperation; federal grants to state and local civil service agencies; implications with regard to the development of careers in government service.

Speakers: James M. Mitchell, Civil Service Assembly; Henry F. Hubbard, Council of Personnel Administration; Paul Kern, New York City Civil Service Commission; Harvey Pinney, New York University.

(5) PROBLEMS OF GOVERNMENT IN NEW YORK CITY (*Second Session*)

Chairman: Wallace S. Sayre, Civil Service Commission, New York City
Secretary: Ruth Weintraub, Hunter College

Speakers: Joseph Cunningham, First Deputy Comptroller, City of New York; Arthur Macmahon, Columbia University; Kenneth Dayton, Budget Director, City of New York; Harold Seidman, New York City Department of Investigation; Hugh R. Jackson, State Charities Aid Association; Luther Gulick, Institute of Public Administration.

(6) JUDICIAL ADMINISTRATION (*Second Session*)

Chairman: J. A. C. Grant, University of California, Los Angeles
Secretary: Foster Sherwood, Brookings Institution

Problems of procedure in the enforcement of constitutional guarantees, stressing recent efforts to secure a prompt disposition of constitutional litigation to evade some of the pitfalls of retroactive rulings, and to guarantee adequate representation to the government.

Speakers: Hans Kelsen, Harvard University; J. A. Corry, Queen's University, Ontario; Alexander Holtzoff, Special Assistant, United States Attorney-General; Chester T. Lane, General Counsel, Securities and Exchange Commission; Harvey Mansfield, Yale University.

(7) PROBLEMS OF TEACHING IN POLITICAL SCIENCE (*Second Session*)

Chairman: John A. Vieg, Iowa State College
Secretary: Stanley Grill, Brooklyn College

The social studies and training for citizenship: What is the specific job that high school and college teachers of the social studies are trying to do, and how can they best help each other doing it?

Speakers: M. M. Chambers, National Youth Administration; Franklin L. Burdette, Butler University; Sidney Barnett, High School of Music and Art, New York City; Hilda Watters, Western Illinois State Teachers College.

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(8) Civil-Military Relations in a Democracy (*Second Session*)

Chairman: E. Pendleton Herring, Harvard University
Secretary: Cedric Larson, Department of War

Relations between civil and military agencies within the federal administration; the mobilization of economic resources; American practice; the interest of political scientists in the problems raised by civil-military relations.

Speakers: Edward L. Bernays, Public Relations Counsel; William D. Carey, Harvard School of Public Administration; Lt. Col. A. Robert Ginsburgh, Department of War; Fred Hoehler, Army and Navy Joint Committee; Carl B. Swisher, Johns Hopkins University; Col. Ernest Dupuy, Bureau of Public Relations; Cedric Larson, Department of War.

SECTION MEETINGS

(A) Financing the War

Chairman: Rowland Egger, Director of the Budget, Virginia
Secretary: Raymond Uhl, University of Virginia

State and local fiscal policy in war and peace

"*The General View,*" I. M. Labovitz, United States Bureau of the Budget.
"*The Special View,*" Major Raymond B. Bottom, Chairman, Hampton Roads Regional Defense Council. (Paper read by W. T. Hodges, Hampton Roads RDC.)
"*The Long-Run View,*" Don K. Price, Public Administration Clearing House.
Discussion: Chairman and members of the Section.

(B) Government and Business (*Second Session*)

Chairman: James W. Fesler, Office of Production Management
Secretary: Claude E. Hawley, University of Florida

State regulation and the problem of expressing the public interest

"*Liquor Regulation and the Public Interest,*" Paul Studenski, New York University.
"*The Public Interest in Regulation of the Professions,*" Frances P. DeLancy, West Virginia University.
"*The Public Interest and Oil Regulation in Texas,*" Emmette S. Redford, University of Texas.

(E) American Foreign Policy (*Second Session*)

Chairman: Walter R. Sharp, College of the City of New York
Secretary: Elliot Cassidy, University of Illinois

The democratic process and recent American foreign policy

"*The Rôle of Pressure Groups,*" John W. Masland, Stanford University.
"*Public Opinion and the War,*" Hadley Cantril, Princeton University.
"*The State Department Bureaucracy,*" I. F. Stone, *The Nation.*
"*The College and Foreign Policy,*" Warner Moss, College of William and Mary.

(F) Trends in European Government (*Second Session*)

Chairman: E. P. Chase, Lafayette College
Secretary: Carl Hart Schaaf, College of William and Mary

"*The British Commonwealth in Evolution,*" Oliver Benson, University of Oklahoma
"*The German Question,*" James K. Pollock, University of Michigan.

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"The Constitutional Pattern of Axis Vassal States," A. J. Zurcher, New York University.
"Trends in the Government of the U. S. S. R.," Bruce Hopper, Harvard University.

(G) MUNICIPAL GOVERNMENT (*Second Session*)

Chairman: Thomas H. Reed, Municipal Consultant, New York City
Secretary: Erwin W. Bard, Brooklyn College

Government as an employer of organized labor

"Public Management Looks at Collective Bargaining," Donald S. Hecock, Wayne University, and Lent D. Upson, Detroit Bureau of Governmental Research.
"City Governments Should Bargain Collectively with their Organized Employees," Marion H. Hedges, International Brotherhood of Electrical Workers.
"The Inland Waterways Corporation Bargains Collectively," Howard J. Right, Inland Waterways Corporation.
Discussion: Sterling D. Spero, New York University.

(M) CITIZEN ORGANIZATION (*Second Session*)

Chairman: Roy V. Peel, Indiana University
Secretary: Phillip Thorson, New York University

The future of citizen organization

"What the Federal Government Does to Promote Citizen Organization," Paul V. McNutt, Administrator, Federal Security Administration.
"The Techniques of Forum Discussion and Popular Community Organization," Carl F. Taeusch, United States Department of Agriculture.
"The Leadership and Objectives of the Citizen Organizations," Richard S. Childs, ex-President, National Municipal League.
Discussion: Frank Kingdon, Citizenship Educational Service; William E. Mosher, Syracuse University; Ned Dearborn, New York University; Paul Kellogg, Editor, *Survey Magazine.*

(N) POLITICAL THEORY (*First Session*)

Chairman: Thomas I. Cook, University of Washington
Secretary: Willmoore Kendall, University of Richmond

Conservative doctrine and contemporary America

"Conservatism and Intelligence," Harold W. Stoke, University of Wisconsin.
"The Conservative and Modern Industrial Society," Peter F. Drucker, Sarah Lawrence College
Discussion: Benjamin E. Lippincott, University of Minnesota.

Tuesday, December 30, at 12:30 P.M.

JOINT SUBSCRIPTION LUNCHEON

THE WAR TODAY

Chairman: T. V. Smith, University of Chicago, and First Vice-President, American Political Science Association

Address by Hanson W. Baldwin, *New York Times*

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Tuesday, December 30, at 2:15 P.M.

NEW YORK CITY GOVERNMENT AND RESEARCH VISITS

The Association arranged visits and conferences at several governmental and research agencies. The first conference was at the governmental office in the New York City Municipal Building. The second conference was at the City Club, 55 West 44th Street. The third conference was held at the headquarters of the Foreign Policy Association at 22 East 38th Street. The fourth—a field trip—was made possible through the courtesy of the City of New York, which provided transportation.

(1) FISCAL AND PERSONNEL AGENCIES OF NEW YORK CITY

Chairman: Joseph Cunningham, First Deputy Controller, New York City

Discussion: Grace R. Reavy, New York Civil Service Commission; Wallace Sayre, New York Civil Service Commission; Kenneth Dayton, Budget Director, New York City; Donald E. Marcus, Deputy Commissioner of Purchase, New York City; William Reid, City Collector, New York City; John St. George, Tax Department, New York City.

(2) HOUSING AND PLANNING AGENCIES OF NEW YORK CITY

Chairman: Loula Lasker, Citizens Housing Council of New York City

Discussion: Lawrence M. Orton, New York City Planning Commission; Henry M. Propper, New York State Division of Housing; William C. Vladeck, New York City Housing Authority; William Shatts, New York Regional Plan Association.

(3) LAW ENFORCEMENT

Chairman: Morris Ploscome, Chief Clerk, Court of Special Sessions, New York City

(4) INTERNATIONAL RESEARCH AGENCIES

Chairman: William Lockwood, Institute of Pacific Relations

Discussion: Robert Burnett, Institute of Pacific Relations; Vera Micheles Dean, Foreign Policy Association; Percy Bidwell, Council on Foreign Relations; Harriet Moore, Russian American Institute.

(5) FIELD TRIP TO NEW YORK CITY FACILITIES

Chairman: George H. Palmer, Deputy Commissioner of Health

Itinerary: East River Houses, East Harlem Health Center, Ward's Island Sewage Disposal Plant, New York City Building at Flushing Meadows Park.

Tuesday, December 30, at 2:30 P.M.

BUSINESS MEETING

Chairman: President Frederic A. Ogg, University of Wisconsin

Tuesday, December 30, at 3:30–5:30 P.M.

TEA FOR WOMEN

Wives of members and women members of the American Society for Public Administration and the American Political Science Association were invited by Hunter College to be present.

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Tuesday, December 30, at 8:00 P.M.

JOINT SESSION

LEARNED AND PROFESSIONAL SOCIETIES IN TIME OF WAR

Chairman: Frederic A. Ogg, University of Wisconsin

Addresses: William Anderson, University of Minnesota; Arthur N. Holcombe, Harvard University; Luther Gulick, Institute of Public Administration.

Following the ten-minute addresses, there was a general discussion of the service to be rendered to the national government by learned and professional societies in time of war.

Wednesday, December 31, at 7:30 A.M.

BREAKFAST CONFERENCES

INTERNATIONAL LABOR ORGANIZATION

"The Rôle of the International Labor Organization in Post-War Reconstruction," Carter Goodrich, International Labor Organization.

Chairman: Smith Simpson, University of Pennsylvania

PI SIGMA ALPHA

Chairman: Charles W. Shull, Wayne University

POLITICAL SCIENTISTS IN THE LATIN-AMERICAN FIELD

Chairman: Russell H. Fitzgibbon, University of California, Los Angeles

This meeting was designed to explore the possibility and desirability of forming an organization in the field of political science for those interested in Latin-American governments, politics, and international relations.

Discussion: James B. Childs, Library of Congress; Walter R. Sharp, College of the City of New York.

Wednesday, December 31, at 9:30 A.M.

ROUND-TABLE MEETINGS

(10) PUBLIC OPINION (*Second Session*)

Chairman: Charles W. Smith, Jr., University of Alabama
Secretary: Laverne Burchfield, Public Administration Service

Propaganda for war and patriotism; the American change from isolation to leadership; developments in opinion since the beginning of the war; problems of patriotism in an age of skepticism; the federal government's defense bond campaign and national morale.

Speakers: John J. George, Rutgers University; J. B. Shannon, University of Kentucky; Peter H. Odegard, United States Department of the Treasury; Hadley Cantril, Princeton University.

SECTION MEETINGS

(C) PUBLIC LAW (*Second Session*)

Chairman: Charles Aikin, University of California, Berkeley
Secretary: Jacobus ten Broek, University of Chicago

American federalism: recent shifts in the relations of the states to the national government.

"The Disappearance of Reserved State Powers," Walter F. Dodd, Attorney-at-law, Chicago. (Paper read by Herbert Simon, University of California.)

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"National Influence on State Policy: Social Security," Arthur J. Altmeyer, Social Security Board.

"Supremacy of the National Bureaucracy: Bases and Constitutional Implications," Victor Jones, Illinois Institute of Technology.

"The Problem of Control in the New American Federalism," Spencer D. Parratt, Syracuse University.

"The Rôle of Geographically Decentralized Areas in Defense and War," Arthur W. Macmahon, Columbia University.

(D) THE PACIFIC AREA (*Second Session*)

Chairman: George H. Blakeslee, Clark University
Secretary: George E. McReynolds, University of Connecticut

Factors necessary for a durable peace in the Pacific area

"As Viewed by China," His Excellency Hu Shih, the Ambassador of China.

"The Economic Factors," Kurt Bloch, Institute of Public Relations.

"The International Factors," Esson M. Gale, Chinese Government Salt Revenue Administration (Retired).

Discussion: Kenneth Colegrove, Northwestern University; Brooks Emeny, Foreign Affairs Council, Cleveland.

(H) INTERNATIONAL LAW (*Second Session*)

Chairman: Bessie C. Randolph, Hollins College
Secretary: William I. Cargo, University of Michigan

International order

"International Order under Law—A Precept of American Far Eastern Policy," William C. Johnstone, George Washington University.

"Neutrality in the New World Order," H. Lauterpacht, Cambridge University.

Discussion: Herbert Wright, Catholic University of America; Robert R. Wilson, Duke University; Hans Kelsen, Harvard University; Angelo P. Sereni, New York City.

(I) THE GRAND STRATEGY OF NATIONAL DEFENSE (*Second Session*)

Chairman: Harold H. Sprout, Princeton University
Secretary: Seymour F. Friedman, Queens College

The long view

"Strategy of U. S. Policy," Tyler Dennett, formerly United States Department of State.

"Supreme War Council as an Instrument of Peace," Major George Fielding Eliot, Military Expert.

Paper of Henry M. Wriston, President, Brown University, read by Francis Miller, Council on Foreign Relations.

(J) LATIN AMERICA (*Second Session*)

Chairman: Malcolm Davis, Carnegie Endowment for International Peace
Secretary: Ross N. Berkes, University of Southern California

An appraisal of inter-American relations

"The Rôle of Cultural Relations of the Americas in War-Time," Charles A. Thomson, United States Department of State.

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"The Bases of Enduring Understanding Among the Americas," Enrique de Lozada, Office of the Coördinator of Inter-American Affairs.

"Some Future Problems of Inter-American Relations," S. D. Myres, Jr., Southern Methodist University.

Discussion: Malcolm Davis, Carnegie Endowment for International Peace; Walter R. Sharp, College of the City of New York; Walter H. C. Laves, University of Chicago.

(K) Political Parties (*Second Session*)

Chairman: Claudius O. Johnson, Washington State College
Secretaries: Selma Frank and Jane Gilroy, Queens College

The poll tax in the South

"Purposes and Effects of the Poll Tax," John T. Caldwell, Vanderbilt University.

"The Movement for the Repeal of the Poll Tax," Jennings Perry, *Nashville Tennessean.*

"After Repeal, What?," Claude E. Hawley, University of Florida.

Discussion: Ralph J. Bunche, Howard University; Eleanor Bontecou, New School for Social Research.

(N) Political Theory (*Second Session*)

Chairman: Thomas I. Cook, University of Washington
Secretary: Willmoore Kendall, University of Richmond

Political ethics and democratic society

"Reason, Value Theory, and Democracy," J. Roland Pennock, Swarthmore College.

"Ethical Standards and Political Strategy," Dorothy Fosdick, Smith College.

Discussion: Waldemar Gurian, Notre Dame University.

(O) The Bill of Rights

Chairman: Everett S. Brown, University of Michigan
Secretary: Bennett M. Rich, University of Pennsylvania

One hundred and fifty years of the Bill of Rights

"The Evolution of Liberty as a Concept of American Constitutional Law and Theory," Edward S. Corwin, Princeton University.

(P) Archives as Material for Research in Political Science

Chairman: Arnold Brecht, New School for Social Research
Secretary: Philip C. Brooks, Society of American Archivists

The evolution of archives from small collections to large masses of administrative papers and other organized sources for an infinite variety of research subjects has greatly increased their significance for political science in general, and public administration in particular. The opportunities and problems arising from this development merit the attention of all those engaged in any phase of governmental research.

"The Rôle of the Archivist in Public Administration," Helen L. Chatfield, United States Department of the Treasury.

"The Use of Unprinted Source Materials," Wayne C. Grover, National Archives.

"The Availability and Research Value of Non-Federal Archives," Luther H. Evans, Library of Congress.

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Discussion: Dorsey W. Hyde, Jr., National Archives; Preston W. Edsall, National Archives; Philip C. Brooks, National Archives; Fritz Morstein Marx, Queens College.

(Q) THE PROBLEMS OF RECONSTRUCTION

Chairman: Isaiah Bowman, Association of American Geographers
Secretary: Daniel Caciagli, Queens College

"*Raw Materials and the Peace Settlement,*" William Y. Elliott, Harvard University.
"*Frontiers, Security, and International Organization,*" Nicholas J. Spykman, Yale University.
"*Geography into Politics,*" Derwent Whittlesey, Harvard University.
"*The Shatter Belt,*" Richard Hartshorne, University of Wisconsin.

Wednesday, December 31, at 12:30 P.M.

SUBSCRIPTION LUNCHEON

THE POST-WAR ORGANIZATION OF PEACE

Chairman: Arthur W. Macmahon, Columbia University, and Second Vice President, American Political Science Association

Address by James T. Shotwell, Columbia University

The Executive Council held its annual meeting on Sunday morning and afternoon, December 28. The annual business meeting was held on Tuesday afternoon, December 30. In order to secure a larger attendance at the business meeting than in previous years, no section meetings and round-tables were scheduled for the afternoon. The attendance was 161, slightly more than usual.

At the annual business meeting, the Secretary-Treasurer reported that the total membership of the Association was 3,108. Of this number, 2,745 were regular members, 37 sustaining members, 47 life members, and 279 associate members. During 1941, 578 new members were enrolled, while there were 327 cancellations, making a net gain of 251, as compared with 415 in 1940, and 53 in 1935.

Throughout the year, the membership campaign, both for new members and for library subscriptions to the REVIEW, was continued. Over 6,000 libraries which are not subscribers to the REVIEW received the special circular describing the REVIEW. Members of the Association connected with libraries which do not now subscribe to the REVIEW are urged to request their libraries to enter subscriptions. The Secretary-Treasurer expressed the appreciation of the Executive Council for the assistance rendered by members of the Association in the nomination of teachers, students, editors, lawyers, and public officials for membership in the society. In view of the war and the continuing necessity that learned and professional societies contribute to the maintenance of morale and to the recruitment of technical assistance for the government,

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members are urged to give active support to a continuance of the membership campaign for the year 1942.

The financial report of the Secretary-Treasurer indicated that the income for the year 1941 was $18,863.78, as compared with $14,596.32 in the year 1940. Expenditures were $17,661.25, as compared with $16,229.65 in 1940. This showed an excess of income over expenditure to the amount of $1,202.53. The checking account of the Association in the First National Bank in Evanston, Illinois, was $2,986.55 on December 15, 1941 (the day on which the books of the Association for 1941 were closed), as compared with $1,785.30 in 1940. The trust fund account showed a balance of $911.88, as compared with $603.77 in 1940. The investments of the Association in the custody of the First National Bank amount to $7,600, all in United States Treasury bonds bearing interest from $2\frac{3}{4}$ per cent to 3 per cent. The comparative balance statement also showed office equipment valued at $263.31 and paper stock for printing the REVIEW valued at $971.53, while the estimated capitalization of old issues of the REVIEW, in storage with the Banta Publishing Company in Menasha, Wisconsin, is $8,000. The Association maintained a separate account in the years 1940–41 for the Committee on the Social Studies, which was set up by grants of $2,300 and $325 from the General Education Board. Out of this account, moneys were paid on the order of the chairman of the Committee on the Social Studies. The balance in this account is $65.54, which is to be returned to the General Education Board.

The Committee on Audit, composed of Walter F. Dodd and Clarence A. Berdahl, reported that it had examined the books and accounts of the Secretary-Treasurer and had verified the audit prepared by Frank E. Kohler and Company, of Chicago, certified public accountants, and announced that it had found the statement of accounts as prepared by the Secretary-Treasurer to be correct. The Committee suggested that, in view of the national emergency, expenses for 1942 be curtailed. It also recommended the investment in United States Treasury bonds of the $911.88 in cash now reposing in the trust fund account.

The Executive Council adopted a budget for 1942 based on an estimated revenue of $15,787 and providing for expenditures of $15,715. This budget included an appropriation of $8,915 for publishing the REVIEW, and $6,800 for the expenditures of the office of the Secretary-Treasurer. Expenditures attached to the office of the Secretary-Treasurer include items of $400 donated to the Association for the support of the research project of the Committee on Congress, and $700 contributed by the National Foundation for Education in Citizenship. These items may be increased by subsequent donations, but will be canceled out of receipts by payments to the proper agencies.

Due to the increase in the cost of printing and distributing the *Joint*

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Preliminary Program and the *Joint Final Program*, the Executive Council, in November, 1941, voted by mail ballot to charge a registration fee of fifty cents at the annual meeting of 1941. This procedure is in line with the practice of many other learned and professional societies, the fee in most cases being one dollar. At the annual business meeting on December 30, 1941, the officers were instructed to charge a registration fee not to exceed one dollar at future annual meetings, the amount of the fee and the exceptions thereto to be determined by the President, the Secretary-Treasurer, and the Chairman of the Program Committee.

By a rising vote, the following memorial, prepared by W. Brooke Graves, was adopted: "Robert Clarkson Brooks was a gentleman and a scholar, an inspiring teacher and the author of many books, and above all, a wise counsellor and friend to his neighbors, his students, and his professional colleagues. His ability as a scholar was recognized and respected by all members of the profession, while his personality was beloved by all. He had strong personal preferences and convictions which he vigorously expressed, yet with such unfailing courtesy and good humor that few were ever offended. His active mind brought forth many suggestions with regard to the advancement of the profession and of this Association—ideas to the realization of which he gave generously of his time and effort. These efforts, as well as his professional career, were culminated by a most successful year as President of this Association in the year 1940. In recognition of these many services and in memory of a gallant leader and departed friend, this Association pauses to pay respect to his memory, to record its profound sense of loss in his passing, and to express its sympathy to the members of his family."

The Managing Editor of the REVIEW offered a report showing that the total number of pages of text published in 1941 was 1,246, as compared with 1,264 in 1940. An effort was made to reduce the size of the volume in view of the increasing cost of paper and printing. The distribution of space in the REVIEW included 236 pages devoted to leading articles. The various departments were represented by the following numbers of pages: American government and politics, 139; constitutional law, 52; public administration, 47; rural local government, 14; judicial affairs, 16; foreign government and politics, 63; international affairs, 52; instruction and research, 19; news and notes, 70; book reviews and notices, 318; lists of recent publications of political interest, 182. The list of doctoral dissertations in preparation occupied 18 pages, and the volume index, 20 pages. The Managing Editor invited suggestions and criticisms, both oral and written, from the members of the Association.

On the subject of the contribution of articles of scholarly distinction, the report of the Managing Editor read as follows: "One problem steadily grows more acute. Maintained and supported as it is by a constituency

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with an ever-widening range of interests, the REVIEW is presumably obligated to try to serve all of these interests in some degree. There is not, however, space in which to do as much for any one interest or field as is likely to be expected. In one sense, the situation is relieved by the continuing multiplication of journals specializing in one branch or another of our subject—in public administration, in international relations, etc. Pressure on the REVIEW is thereby diminished. But I emphasize a serious adverse effect, not only in the tendency of specialists to feel that their own journal is to be supported rather than the REVIEW (as being only a journal of more general interest), but especially in the very marked tendency of such journals to draw away from the REVIEW the best manuscripts offered for publication, relegating our journal to a position in which available to it, broadly, will be chiefly (a) contributions in fields in which there are no special journals and (b) in other fields, manuscripts not of the first quality. I say this without disparagement of the articles recently appearing in the REVIEW, which, I think, have, by and large, sustained a reasonably satisfactory level. But in the most recent years, the number of manuscripts offered by young and inexperienced writers (often graduate students) has increased steadily in proportion to the number offered by established scholars in our field. In fact, the number in the latter category is extremely small. The greatest difficulty today in editing the REVIEW arises at precisely this point. And it may be added that the difficulty extends to book reviewing; plenty of our beginners are ambitious to do reviewing, but, with numerous notable exceptions, our maturer scholars seem to have become too preoccupied to undertake it—or again consider their first obligation to be to the special journals in their respective fields. War-time conditions may be expected to aggravate the situation unless our established scholars put forth special effort to coöperate. And I express the hope and confidence that they will do this."

The Executive Council elected the following persons (nominated by the Managing Editor) to serve on the Board of Editors for the years 1942–43: Professors Thomas S. Barclay (Stanford University), Clyde Eagleton (New York University), Oliver P. Field (Indiana University), Walter H. C. Laves (University of Chicago), and Roger H. Wells (Bryn Mawr College). The Executive Council elected Kenneth Colegrove Secretary-Treasurer for the year 1942. Under the revision of the constitution adopted in 1941, the Secretary-Treasurer is now chosen by the Executive Council. The Council also instructed a committee consisting of the President for the year 1941, the President for the year 1942, and the Secretary-Treasurer to consider the appointment of an Assistant Secretary-Treasurer, after ascertaining the views of the Executive Council by a mail canvass.

Joseph P. Chamberlain, one of the two delegates of the Association in

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the American Council of Learned Societies, reported upon the undertakings of the Council during the past year. Copies of the *Summary of Activities in 1941* issued by the ACLS can be obtained by any member of this Association on request directed to the Secretary-Treasurer. Lindsay Rogers, senior representative of the American Political Science Association in the Social Science Research Council, reported on the activities of this Council in the year 1941. William Anderson also reported on the research projects of the Committee on Public Administration under the Council.

In a report to the Executive Council regarding the project for a study of the objectives and content of instruction in political science in the colleges and universities of the United States, President Ogg indicated that the National Foundation for Education in Citizenship, Indianapolis, Indiana, had appropriated twelve hundred dollars for promoting the initiation of such a study. Negotiations with various foundations to underwrite an extensive investigation are under way, and there is expectation of support for the project.

In a report of the Committee on the Personnel Service, Harvey Walker indicated that 394 copies of the 1941 edition of the Personnel Service had been sent to the appointing officers of 372 educational institutions and 22 research bureaus and government agencies. An alphabetical list of registrants was included in the 1941 edition together with an index of registrants classified according to their first and second preferences in teaching, research, and government positions. Among the registrants with Ph.D. degrees, 39 were listed for government positions; 39 for research positions; 40 for positions in teaching American government and politics; 42 for comparative government; 32 for international affairs; 5 for municipal government; 27 for political theory; 20 for public administration; 1 for public finance; 13 for public law; 13 for public opinion and politics; and 6 for miscellaneous. Among the registrants who have not yet received Ph.D. degrees, 34 were indicated under government positions; 22 under research; 32 under American government and politics; 10 under comparative government; 14 under international affairs; 9 under municipal government; 6 under political theory; 12 under public administration; 6 under public law; 1 under public finance; 8 under public opinion and politics; and 4 under miscellaneous.

The Executive Council ordered: (a) that the Personnel Service be continued in the year 1942, (b) that the present rules be applied in the year 1942, (c) that in view of the national emergency, the publication of a "Who's Who in the American Political Science Association" be not undertaken in the year 1942, (d) that the publication of a "Who's Who" be undertaken if and when funds for the publication of the same are obtainable, and (e) that the Personnel Service in the year 1942 be conducted

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on an economical basis and that a study of post-war needs be undertaken.

A report by William Anderson, chairman of the Committee on Endowment, indicated that some progress is being made in encouraging bequests to the Association for the purpose of establishing a Permanent Endowment which could be used to encourage research and writing in the field of political science, reward outstanding contributions to political science, and otherwise promote the activities of this Association. A form for bequests will be furnished by the Secretary-Treasurer to any member requesting the same.

A report on committees on research in learned societies was presented by Ernest S. Griffith. The President of the Association was authorized to appoint a Committee on Research to prepare recommendations for the promotion of research in political science.

The report of the Committee on Regional Societies, offered by Harvey Walker, recommended a conference of officials of regional societies at the expense of the American Political Science Association, and this recommendation was accepted in principle by the Association if and when funds are available for the same. On vote of the Executive Council, the Association allocated the following sums to regional societies as a contribution to the traveling expenses of a representative from the Association to the annual meeting of each regional society, the representative to be chosen by such society: to the Connecticut Valley Political Science Association, twenty dollars; to the Mid-West Conference of Political Scientists, twenty-five dollars; and to the Southern Political Science Association, forty dollars. Vice-President T. V. Smith gave an account of the annual meeting of the Southern Political Science Association in November, 1941, in Nashville, Tennessee.

Reports from the Committee on Public Law, under the chairmanship of Oliver P. Field, and of the Committee on Civil Service, under the chairmanship of Frederick M. Davenport, were accepted.

The recommendations of the Committee on National Citizenship Education, under the chairmanship of Marshall E. Dimock, were adopted in principle as follows: (a) that the Committee on Citizenship Education of this Association should continue its advice to the National Citizenship Education Program, operated jointly by the Immigration and Naturalization Service of the Department of Justice, the Public Works Administration, and the public educational authorities of the states and the nation; (b) that the members of the American Political Science Association be urged to coöperate with the departments of education in the respective states in promoting this educational program as a patriotic contribution to their government. Individual members of the Association are requested to offer their services to the Departments of Education in their respective states for the purpose of promoting the National

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Citizenship Education Program. Suggestions are also invited by the chairman of the Committee appointed by the Association—Dr. Marshall E. Dimock, Immigration and Naturalization Service, Department of Justice, Washington, D. C.

The report of the Committee on Congress, under the chairmanship of George B. Galloway, indicated that the Committee is prepared to carry on the following program during the year 1942: (1) to complete its canvass of Congressional opinion on various aspects of legislative procedure; (2) to continue its efforts to strengthen the research facilities available to Congress, notably, to expand the staff of the Legislative Reference Service and readjust rates of compensation therein; (3) to analyze proposed reforms in the organization and procedure of Congress; (4) to study methods of reducing the volume of business of Congress; and (5) to lay the basis and pave the way for an investigation of legislative organization and procedure by a joint Congressional committee. The Executive Council instructed the officers of the Association to express its appreciation to Dr. Benjamin B. Wallace for his contribution of $1200 for the support of the project of the Committee on Congress. The Executive Council approved the program of the Committee on Congress. A discussion of enlarging the investigation of the Committee to include state legislatures, as well as Congress, resulted in an expression of opinion that the activities of the Committee, for the present, should be concentrated rather than diffused.

A proposal that the Association support a study of the proposed Missouri state constitutional convention was ordered referred to the Committee on Research.

A report of the Committee on Inter-Association Discussion of Social Science Methodology was presented by the chairman, Ernest S. Griffith.

The report of the Committee on Publication of the Proceedings of the Annual Meeting, under the chairmanship of W. Brooke Graves, was approved with the following recommendations: (a) that Proceedings be published if and when approved by the editor of the REVIEW, the Secretary-Treasurer, the President of the Association, and the chairman of the Committee on the Publication of Proceedings, and (b) that the Committee on the Publication of Proceedings be continued.

The report of the Committee on the Publication of Election Statistics, under the chairmanship of W. Reed West, indicated that negotiations with the United States Bureau of the Census have been encouraging. The need for diverting funds to strictly defense purposes may prevent the initiation of the publication of an annual compilation of election statistics in the present year. The Committee, however, has drafted a tentative plan for such a compilation. The Executive Council ordered continuance

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of the Committee and invited members of the Association to urge the necessity for this compilation upon their representatives in Congress.

The report of the Committee on the Social Studies was presented by Howard White, who in 1942 succeeded Phillips Bradley as chairman. The work of this Committee, which was appointed in 1939, has been supported by a grant from the General Education Board. The first of its projects to be published was "Legislative Regulation of the Social Studies in Secondary Schools," the draft text of which was prepared by Victor Brudney, while the final text appeared as an appendix to the *Ninth Yearbook of School Law* (1941) published by the American Council on Education. A second project, on "Teaching the Civil Liberties," edited by Howard E. Wilson and others, has been published as Bulletin No. 16 (May, 1941) by the National Council for the Social Studies. Case studies in civil liberties, including descriptive accounts of ten phases of American civil liberties, are now under preparation and when completed will be published as a Bulletin of the National Council for the Social Studies. Much useful information regarding courses on government in universities, colleges, junior colleges, and high schools has been collected by Messrs. R. L. Ashley and O. Garfield Jones, members of the Committee.

The Executive Council ordered: (1) that the Committee on the Social Studies be continued; (2) that the Committee be instructed to offer recommendations regarding the promotion of citizenship training and the rôle of instruction in political science in the preparation of teachers in elementary and secondary schools; (3) that the Committee collaborate with the National Council for the Social Studies; and (4) that the Committee on Program be instructed to provide for a round-table jointly sponsored by the Association and the National Council for the Social Studies at the 1942 annual meeting. The Executive Council also voted an expression of appreciation to the General Education Board for the grant of funds for support of the projects of the Committee on the Social Studies.

On motion of Clarence A. Berdahl, the Association adopted the following resolution: "Resolved (1) That the American Political Science Association expresses its appreciation of and continued interest in the publication program of the United States Department of State, urges the Department of State to continue and expand this program, and urges all teachers of government, international law, international relations, and diplomacy to support and make more extensive use of this excellent undertaking; (2) that it particularly commends the Department of State for the publication of the Hackworth *Digest of International Law* and of the *Territorial Papers*, and for its continued publication of the carefully edited volumes of *Foreign Relations*, but emphasizes the desirability of preventing any unnecessary lag in the publication of the *Foreign Relations* series,

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in order that the diplomatic backgrounds of the present world situation may be known as promptly as possible; (3) that, feeling that the present emergency requires more knowledge and more publicity with respect to current problems, it strongly urges that the *Department of State Bulletin* be strengthened by the inclusion of more data on the vital phases of international relations and American foreign policy; and (4) that it most emphatically urges the prompt publication of the records of the Paris Peace Conference because of the relationship of this material to the present world situation and its importance in securing a clearer understanding of the present war and post-war policies; and Resolved: That copies of this resolution be sent to the Secretary of State, the Director of the Bureau of the Budget, the Chairman of the House and Senate Committees on Appropriations, and to the members of the American Political Science Association."

On motion of Charles S. Hyneman, the Association adopted the following resolution: "Resolved that the American Political Science Association is deeply concerned that the resources of the United States represented by special training and knowledge in the social sciences should be made effectively available to the people of the United States in this time of national emergency; that there is needed, at the earliest possible moment, a determination as to how these resources may be effectively marshalled for the greatest service to the American people in meeting their war and post-war problems; that the President of the American Political Science Association should at once take steps, by creation of a committee or other measures, to ascertain what efforts should be made, and to take such action as seems desirable, to make the resources of the United States represented by special training and knowledge in political science effectively available to the people of the United States."

On motion of G. Bernard Noble, the Association adopted the following resolution: "Whereas college and university students and faculty members are patriotically responding in great numbers to the call to defend the nation in the present crucial struggle to defend civilization; and, Whereas the strength and welfare of the nation, the effective operation of our political and economic order in the post-war world, and the ultimate preservation of our democratic way of life, depend upon trained leadership and the education of an adequate number of qualified persons in all the essential arts and sciences; and, Whereas these individuals constitute a vital national resource essential not only to the prosecution of the war, but also, and particularly, to the consolidation of the peace on democratic lines—be it Resolved that the American Political Science Association respectfully requests the President of the United States to take appropriate measures, within the limits of the needs of national defense, to promote the continuance of adequate training of young men

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and women in colleges and universities during the present emergency."

Resolutions offered by John A. Vieg with reference to coöperation among the American, British, Chinese, and Russian peoples in the interests of international peace were referred to the Executive Council for report at the 1942 annual meeting.

Invitations relating to the meeting place of the Association in 1942 were received from the following cities: Atlantic City, Chicago, Cincinnati, Cleveland, Indianapolis, Louisville, Pittsburgh, St. Louis, Toronto, and Washington, D. C. The Executive Council, in 1941, voted to meet in Washington, D. C., in 1942 in accordance with the three-year cycle (Washington, Chicago, and a third place) adopted in 1939. The possibility that the crowded condition of Washington, D. C., would preclude holding the 1942 meeting in the national capitol was considered by both the Executive Council and the business meeting. As a result, it was ordered that in case it be deemed unwise to hold the 1942 joint annual meeting in Washington, D. C., the officers of the Association, in consultation with the officers of the American Society for Public Administration, give preference for the annual meeting to Cincinnati, Cleveland, Louisville, or St. Louis, and that the final decision be made after consultation with the Executive Council by mail.

Robert R. Wilson, chairman of the Committee on Nominations, offered the following nominations for officers in the year 1942: President, William Anderson (University of Minnesota); First Vice-President, Robert E. Cushman (Cornell University); Second Vice-President, Frederick A. Middlebush (University of Missouri); Third Vice-President, James Hart (University of Virginia); and for members of the Executive Council to serve until 1944: Thomas I. Cook (University of Washington); Miss Keith Clark (Carleton College); Marshall E. Dimock (U. S. Department of Justice); James W. Fesler (University of North Carolina); and Max Lerner (Williams College). On motion, the report of the Committee on Nominations was accepted and the above-named persons elected officers of the Association for the coming year. A motion was adopted also to the effect that the membership be canvassed for suggestions for officers by the Committee on Nomination of Officers for the year 1943, and that the nominations agreed upon be published in the October, 1942, issue of the REVIEW.

Mimeographed copies of reports of committees in 1941 will be furnished to members of the Association on application to the Secretary-Treasurer. When applying for such reports, members should name specifically the committee or committees whose reports are desired.—KENNETH COLEGROVE, *Secretary-Treasurer.*

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Planning for America. By George B. Galloway and Associates. (New York: Henry Holt and Company. 1941. Pp. xi, 713. $3.00.)

Planned and edited by George B. Galloway, formerly field representative of the National Economic and Social Planning Association, this book was designed as a "coöperative inquiry into the progress of economic and social planning in the United States; its principles, practices, and problems; its achievements, present status, and potentialities." In performing this ambitious task, Mr. Galloway, who himself contributes three introductory and three final chapters, is joined by twenty-nine other authors, most of whom either have been or are now officially identified with governmental agencies engaged in planning activity.

The scope of the book includes: (1) a summary explanation of the nature of American planning activity and the public opinion by which it has been conditioned; (2) problems of land, water, and energy resource planning; (3) an essay on scientific research skills, institutions, and equipment available in America and on the relation of technological changes to planning; (4) economic planning; (5) social welfare planning problems; (6) the work of planning agencies organized on an area basis (i.e., the National Resources Planning Board, regional planning organizations, state, city, and county planning boards); (7) war planning—military and industrial; and (8) essays on solving the unemployment problem, managing the monopolistic industries, and a program of "next steps forward."

Limitations of space and reviewer competence prohibit adequate summaries of so many essays. Undoubtedly the means chosen by the editor to review so wide a scene was the most convenient way of telling the story of activity on so many fronts. But such a method pays the cost of great unevenness in content quality and readability. It was essential, too, that compression be practiced by each author so as to give the gist of experience that often covers a great diversity of activity or argument so that he might leave a gist of significant value judgments. This has been well done in the essay on "Land Planning" by Gilbert White, on water and energy resources by Abel Wolman and Ralph Watkins, respectively, and on "Technology and Planning" by W. F. Ogburn. Of the economic planning contributions, the most useful are: "Industrial Policies," by Theodore Kreps; "Income Distribution and Consumption," by Mordecai Ezekiel; "Fiscal Policy and the Employment-Investment Controversy," by J. K. Galbraith; and Galloway's penultimate chapter on "The Tools of Financial and Industrial Management." In the social planning group, the most rewarding essays are contributed by Frank Lorimer on population policy, M. L. Wilson, Hazel Stiebeling, and Faith Williams on nutrition, Eduard

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Lindeman on recreation, and Ewan Clague on social insurance. Only one of the four essays in the area planning group stands out, namely, that on state planning, by Benjamin H. Kizer. The chapters on defense planning carry the handicap of composition during a kaleidoscopic change in the scene under description.

Perhaps the fluidity of world politics explains the omission (save for Patterson's discussion of international economic relations and a few incidental remarks in the last chapters) of American policy as a subject for planning. Or does it imply that our foreign policies are or should be adopted without planning?

On the whole, the volume is not only a reporting job, but a salesman's product. This is implicit in the "confession of faith" to which the contributors were committed by the thirteen specific assumptions (pp. vi–vii) furnished by the editor. While useful as a partial substitute for a single catholic mind reviewing the total scene, it has yet left ample room for considerable variation in the degree of agreement and conviction. Thus it is a long distance between affirmations of faith in the efficacy of democratic planning avowed by the editor (and a decided majority of his associates) and the deterministic skepticism of W. F. Ogburn and Ernest M. Patterson.

But except for these two sour notes, belief in the need for and the potential achievements of governmental planning in a democratic America is pretty generally shared. There are even times when this is expressed so ecstatically or hortatorially that even a reviewer with the same bias feels cloyed with "sweetness and light." Such full-throated evangelism has the added disadvantage of a good deal of repetition. One essayist after another begins by mounting the rostrum and beating his democratic breast before getting on with his report.

But even the reporting shows one general deficiency which, with a few notable exceptions, impairs the value of the record. That is the quality of the "official" statement. Most of the contributors are in the difficult position of reporting on their own work, or that of their official superiors or associates. It could not be expected that their reports would, in all instances, rise above the limitations on "the whole truth and nothing but the truth" inherently imposed by these relationships, or that the value judgments essential to selection of what to report and conclude could be as free from a sense of personal obligation as would be possible in an unofficial report. Yet it must be conceded that at the present juncture it is highly improbable that a report of the scope attempted could have been furnished without leaning heavily upon the people doing the planning. To be sure, the editor has freely advanced his own collectivistic program in the concluding chapters. While this may be taken as an implied critique, it still leaves the reader with inadequate aid in evaluating the welter of

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activities and discussion subsumed under the title of the book and briefly sketched in its many pages.

Undoubtedly the job performed by Mr. Galloway and his associates has been useful. Yet it is an introductory effort which merits repeated attempts by other students of social travail in America.

CHARLES MCKINLEY.

Reed College.

Free Speech in the United States. By ZECHARIAH CHAFEE, JR. (Cambridge: Harvard University Press. 1941. Pp. xiv, 634. $4.00.)

This is an exceedingly important and timely book. It tells the story of freedom of speech and press in this country through March, 1941. It deals with the problem of legislative policy, administrative practice, and constitutional interpretation raised by federal and state restrictions on speech and press, and brings to their examination accurate scholarship, keen legal analysis, and something of the fire of the evangelist. The book is not "objective" to the point of regarding the desirability of a generous protection of free speech and press as an open question. The author believes that such protection is imperative.

In this work, Professor Chafee set himself the task of bringing up to date his book, *Freedom of Speech*, published in 1920. Most of the earlier volume, with revisions, appears as Part I of the present book. Chapters from the author's *The Inquiring Mind* (1928) are included, as well as a number of papers and articles printed elsewhere. Important sections are, of course, entirely new. An appendix contains lists of the federal and state statutes affecting freedom of speech and press.

Professor Chafee does not spare our feelings in telling the story of our state and federal dealings with freedom of speech and press. Peace-time and war-time statutes were in many cases broadly drawn and loosely construed so as to apply the "bad tendency" test to speech and publication, a test by which virtually all criticism of officers and public policy in time of war may be held criminal. These laws were often brutally enforced by executive officers, and persons convicted were usually sentenced to ten-to-twenty-year penitentiary terms. All this appears to have accomplished very meager practical results. "Sedition laws do not seem to catch any really dangerous leaders." No important enemy agents were convicted of acts giving direct aid to the enemy under the provisions of the Espionage Act of 1917.

It is not easy to give in a few words Professor Chafee's considered position upon the many issues dealt with in this book. The following planks, however, indicate the general contours of the platform on which he stands: (1) "The First Amendment protects two kinds of interests in free speech. There is an individual interest, the need of many men to express their

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opinions on matters vital to them if life is to be worth living, and a social interest in the attainment of truth, so that the country may not only adopt the wisest course of action but carry it out in the wisest way." (2) The boundary of free speech is fixed "close to the point where words will give rise to unlawful acts." This is the "clear and present danger" test announced by Mr. Justice Holmes in the Schenck case in 1919, and the entire book is in a sense a defense of this test as against the competing test of "bad tendency," under which so many harmless crackpots were sent to jail. (3) Peace-time legislative restraints on speech and press are both unnecessary and objectionable. Well-drawn statutes punishing violence and conspiracies to commit crimes give adequate protection against dangerously subversive activities. Most of a chapter is devoted to an analysis and criticism of the Alien Registration Act of 1940, which is not limited to aliens, but "contains the most drastic restrictions on freedom of speech ever enacted in the United States during peace." The sweeping language of its prohibitions invites the brutal application of the "bad tendency" test to speech and print. The act also injects into our federal criminal law for the first time the discredited doctrine of "guilt by association" by making criminal membership in an organization which may later be found to advocate the overthrow of the government by force. This goes even further than the Sedition Act of 1798 or the Espionage Acts of 1917 and 1918. (4) Allegedly seditious or disloyal utterances do not constitute a legitimate ground for excluding a duly elected representative from a legislative body. (5) In time of war, only the federal government should limit discussion about the army and the war. State laws to this end should be held to be superseded by the federal legislation. This was the view of Mr. Justice Brandeis, dissenting in Gilbert v. Minnesota in 1920. (6) The outlawing of Communists by excluding them from the ballot is unwise, even from the point of view of conservatives. There are many other conclusions, but these sufficiently convey the author's point of view.

In spite of the rather depressing record of state and federal restriction of free speech and press, Professor Chafee finds three grounds for encouragement. First, we may be deterred from repeating the admittedly serious mistakes of 1917–20. Second, "we have in Europe a terrible warning against the evils of intolerance." Third, since the last war judicial decisions have placed important safeguards around free speech and press. The most important of these are the "clear and present danger" test, which still retains its vitality, and the decisions by which the guarantees of the First Amendment have been read into the due process clause of the Fourteenth Amendment and have thus become limitations upon state action.

From the point of view of craftsmanship, this book commands admira-

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tion. Professor Chafee writes with a simplicity and clarity of style, and with a gift for pungent and epigrammatic statement, which makes extraordinarily good reading. The book should be read by every thoughtful follower of public affairs. It ought particularly to be read by every one charged with any measure of official responsibility in the matters with which it deals.

ROBERT E. CUSHMAN.

Cornell University.

The Independent Regulatory Commissions. BY ROBERT E. CUSHMAN. (New York: Oxford University Press. 1941. Pp. x, 780. $5.00.)

The chief purposes of this book, as stated by the author, are to present a "comprehensive and accurate survey of the legislative history" of the independent regulatory commissions; to "put on record the more important facts" regarding them; to give a "bird's-eye view of those British administrative agencies and devices which have been set up to do work similar or roughly analogous"; and to analyze "certain basic problems relating to the independent regulatory commissions." Professor Cushman lists as basic problems the constitutional and legal nature of these agencies, their independent position, the merger in their hands of what many believe to be incompatible powers, and numerous features of their structure and organization.

Most of the excellent historical study is concerned with what members of Congress, the courts, members of the commissions, and others have thought about these problems. The British material is centered upon similar questions. The chief value of the book, in the reviewer's opinion, is its assembling of the facts regarding the establishment and development of the independent regulatory commissions, and regarding the views of those who assisted in this process.

The last four chapters, which are of an analytical and critical nature, deal with much the same problems. In the critical analysis of independence and responsibility, the author discusses the relation of the commissions to Congress, the President, and the courts, and decides that the present situation is "vague, confused, and unsatisfactory." He suggests that Congress should establish by law an effective division of responsibility; that judicial control over commissions should be kept at a minimum; that Congress must retain ultimate policy control through basic statutory direction and through provision for financial support; and that Congress should clarify by statute the areas within which the commissions should be responsible to the President. These, he says, should include "points at which commission policies impinge upon the general policies of the President," and "for which the President as head of the nation is responsible," and points where "commission policies impinge also upon

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other commission policies." The author states that "it should be clearly and definitely recognized that the commissions are accountable to the President in the field of administrative efficiency."

In respect to the merger of powers in commissions, the author concludes that there are no constitutional difficulties; that there is a growing awareness of the prevalence of the prosecutor-judge combination and increasing dissatisfaction with it; that "regulatory agencies should have no extraneous duties which are clearly managerial, promotional, or executive"; that we must "continue to experiment with the internal segregation of functions within the commissions themselves in order to mitigate the evils of the prosecutor-judge combination"; that "separation of the functions of prosecution and adjudication merits continued study"; and that no plan of segregation of functions "should be applied as a rule of thumb."

On the matter of planning, Professor Cushman concludes that "it is highly important that planning activities in particular fields be carefully coördinated." Planning activities should be fitted together into "some kind of over-all scheme for planning on broad national lines." We should continue "to promote the development of planning methods and planning machinery."; "there is always danger of getting the planning function too far up in the air by failure to keep the planners closely enough in touch with the administrators who will have to implement the plans"; "the independent regulatory commissions cannot carry on continuous long-time policy planning, and they ought not to be asked to do so"; "planning bodies ought to be organized as adjuncts to our independent regulatory commissions." The author has no such definite conclusions in respect to problems of structure and personnel as in respect to the other problems considered.

The reviewer finds the analytical and critical part of the study, and particularly the recommendations, the least satisfactory part of the book. This is probably due to the method of approach, that is, the historical, which does not give a picture of the detailed functioning of each commission. The result is that in some instances the recommendations appear unrealistic. For instance, what would be an effective division of responsibility? Where do the commissions' policies impinge upon the general policies of the President? How can the President control policy without infringing upon the independence of the commissions, which is necessary if their determinations are of a judicial nature? How can general over-all planning be related to the plans of these various commissions?

The absence of an analysis of the detailed functions and procedures of the commissions is also responsible for the tacit assumption that all these authorities have the problem of the "prosecutor-judge combination," and have this problem in respect to all their activities. As a matter of fact,

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this complex exists in few instances, notably when cease and desist orders are issued by the National Labor Relations Board or the Federal Trade Commission, and when an occasional order of this type is issued under the Clayton Act by the Interstate Commerce Commission or the Board of Governors of the Federal Reserve System. Rate orders, air mail rate orders, valuation orders, orders in re-consolidations, mergers, acquiring control, procedural orders of various kinds by whatever authority issued, do not involve the prosecutor-judge complex. The same is true of reparation orders, where the authority acts merely as a judge between contesting parties. Nor does the issuance of certificates of convenience and necessity involve such a complex.

An analysis of the so-called judicial function of these agencies seems to indicate that it is seldom of a purely judicial nature, but is nearly always combined with questions of policy and administration. For instance, ninety per cent of the cases that come before the National Labor Relations Board are settled, not by a procedure that can be defined as judicial, but by a rather complicated process of administrative action, which involves investigation, agreements, understandings, and a multitude of decisions of minor officials. The trial examiner who hears the case is not functioning wholly as a judicial officer, but partly as an agent of the board, acting to a large extent under its instructions and according to its general line of policy. Facts of this kind make it necessary to inquire how far Professor Cushman's recommendations are applicable in practice.

It is perhaps too much to expect that any one man in any one book should combine both the historical and the functional method of approach, but this is manifestly necessary before final conclusions and recommendations can be made. Professor Cushman has done a splendid piece of work on the historical side. Despite the absence of the functional analysis needed for a three-dimensional view, the book is a most valuable contribution to an understanding of the commissions.

FREDERICK F. BLACHLY.

The Brookings Institution.

Municipal Management. By THOMAS HARRISON REED. (New York: McGraw-Hill Book Company. 1941. Pp. xii, 665. $4.00.)

The author is largely concerned with what he calls the "art of management." It is his belief that the accumulated knowledge and experience regarding the practice of management can be transmitted to students preparing for careers in municipal administration and to those already in the employ of local government. While the emphasis is upon management in large urban units, the problems of other local governments—villages, boroughs, towns, and counties—are not neglected. The description of municipal activities centers on administrative management rather than

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on the service techniques involved. "This book, therefore, will not tell how to pave a street, catalogue a library, or construct an incinerator. It will try to tell how to go to work to get these and many other things done by management."

The twenty-four chapters are divided into five parts. Two introductory chapters of Part I deal with the rôle of management in municipal affairs and the various types of municipal organization, and with advantages and disadvantages of each.

Basic administrative relationships are discussed in the five chapters of Part II—the participation of the council in administration under the different forms of municipal government; the relationship of the municipal executive to the public, to the legislative body of the city, and to department heads; and the administrative interrelationship of governments, federal, state, local, and metropolitan.

Staff and auxiliary agencies in local government are the subjects of discussion in Parts III and IV, covering eight chapters. Problems of financial management include an analysis of municipal revenues, financial organization, budgeting, purchasing, accounting, assessment and collection of taxes, and debt administration. Personnel management, legal advice and representation, and research and planning are the topics of separate chapters. Under the heading of "Miscellaneous Auxiliary Functions" are grouped such services as maintenance of public buildings and grounds, transportation of local government employees, insurance, and records.

In Part V, nine chapters are devoted to the management of operating services: public safety, health, parks and recreation, welfare and housing, public schools, libraries and museums, public works, and public utilities.

This book differs from others on municipal administration in the attention which it gives to the principles, standards, and methods of local management, more than one-half of the pages being devoted to these problems. Discussion of various city functions accounts for nine of the twenty-four chapters, but here the professional techniques are subordinated to the managerial aspects of the service.

Dr. Reed draws upon his extensive study and wealth of experience as city manager, professor of municipal administration, and consultant on local government, in offering useful suggestions for city managers, mayors, department heads, and other officials. The human side of management is recognized; for example, executives are advised that austerity of manner, asperity of speech, and truculence may be serious obstacles to success in administration. These chapters on the relations of the executive constitute a most interesting portion of the book.

The style is clear and lively; the treatment, practical and realistic. A selected bibliography, though excellent in content, is marred by a singu-

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lar lack of uniformity of citation. For public officials and employees, and for students of municipal management, this should be an invaluable guidebook.

FRANK M. STEWART.

University of California at Los Angeles.

Federal Finances in the Coming Decade; Some Cumulative Possibilities. BY CARL SHOUP. (New York: Columbia University Press. 1941. Pp. vii, 121.)

This book presents a series of estimates of federal revenues, expenditures, debt increases, and deficits over the decade 1941–50. The author's purpose is not prediction, but to gain some sense of proportion with respect to the size of the fiscal problems confronting the United States over the ten-year period.

The method employed is as follows: (1) The course of federal expenditures is projected over the decade on the basis of certain assumptions regarding the outcome of the war, the level of prices, and the rate of business activity; (2) The federal revenues are similarly projected under different assumptions relative to tax changes; (3) The difference between estimated revenues and expenditures, that is, the deficit, naturally varies according to the estimates of revenue and expenditure. Assuming no change in taxation after the 1941 act, the cumulative deficit to June 30, 1950, would be $79.3 billions; but if all of the tax changes considered were introduced, the cumulative total would be $6.3 billions. (4) The final section of the book deals with borrowing to cover the deficits, from the standpoint of low and of high rates of interest, respectively.

Professor Shoup is emphatic in his caution (p. vi) that the whole structure of his discussion rests on the fundamental assumption that the fiscal alternative selected shall be one that does not let wholesale prices rise above 90 (B.L.S. index), and which also does not prevent business activity sufficient to represent a national income of 100 billions in 1943, 75 billions in 1946, and a recovery to 90 billions in 1949 and 1950. Five different sets of tax changes are outlined, but no indication is given as to which of these would be most likely to permit realization of the conditions listed above. Before the book was published, the wholesale price index had approached the assumed limit, and by November, 1941, it stood at 92.

Other assumptions laid down are likely to be invalidated by the abrupt change in the war situation since the book was published. For example, it is assumed that the war will end in 1943 or 1944 with a British victory. While this outcome is to be devoutly hoped for, it has never been certain enough to serve as a basic of calculation.

Also, it is assumed that the United States will send no expeditionary force. But Congress has already authorized the President to send Ameri-

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can troops anywhere, and there is now certainty that they will be sent to various points outside the Western hemisphere.

In general, it is evident that the unexpected plunge into war has rendered various other of the assumptions of dubious worth. While the precise figures set forth relative to expenditures, revenues, and debt are not offered as predictions, there is necessarily a considerable element of prediction in the assumptions advanced as bases of the calculations. Otherwise, the whole undertaking becomes a futile and sterile exercise in statistical manipulation. The author says (p. 65) that the validity of his assumptions regarding national income, price level, interest rates, and so on, depends on what is done with respect to taxation and borrowing. Yet the estimates of revenue, expenditure, and deficits purport to show what might be expected to happen under the assumptions. In other words, the revenue, for example, depends on the assumptions, and the validity of the assumptions depends on the tax system used.

The canvass of tax possibilities is limited to the conventional methods now employed. More than half of the total estimated revenue increase is to be derived from sharp increases in income and estate taxes. The possibilities of a general withholding tax are not considered because of the alleged administrative difficulties. In April, 1941, the Treasury thought that these difficulties were serious, but within six months Secretary Morgenthau was advocating a substantial withholding tax with no reference to the administrative problem. Professor Shoup takes no account of the administrative problems, or of the effect on taxpayers, of collecting, under the existing type of income tax, a surtax of twenty per cent on the first dollar of surtax incomes in addition to normal tax.

The author reflects the characteristic view of those who believe in the present method of income taxation, in saying that "the income ranges immediately above the present exemption levels would still contain a considerable amount of net income in terms of aggregate absolute amount, even after applying the hypothetical rate scale in the first set of tax changes" (pp. 48, 49). It is utterly misleading to describe all income above the current exemption level as a "net income," especially when the inference is that a large additional slice of it can therefore be taken in taxation.

The discussion of borrowing reveals an undue regard for the cheap money policy to which the government is committed and which it must maintain at all cost. Reference is made to the enormous powers of manipulation available for the maintenance of low interest rates on the public debt. As taxes are increased, borrowing naturally decreases. It is rather unconvincing, however, to find that with tax changes supposed to yield, to 1950, 73 billions more than the tax system of 1941 would produce in the same period, the aggregate savings bond purchases by individuals are

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estimated to decrease by only eight billions below what they would be for the period, were no further tax increases made.

The consideration of the effects of a loan program addressed to individuals on a five per cent interest basis is brief and admittedly inconclusive. The propriety of paying some such rate of interest in the event that drastic compulsory saving is to be used should have been at least touched upon.

The most definite impression created by the book is that the volume of inflationary bank borrowing will be tremendous unless much more revenue is provided through taxation than is now contemplated. The most serious gap is the failure to consider the possibilities of unconventional methods of taxation.

HARLEY L. LUTZ.

Princeton University.

Paying for Defense. BY A. G. HART, E. D. ALLEN, ET AL. (Philadelphia: The Blakiston Company. 1941. Pp. 275. $2.50.)

The authors very well state the thesis of this book as follows: ". . . a satisfactory result cannot be achieved by letting defense drift, by any type of borrowing campaign (except the Keynes Plan, which is an income tax with provision for post-war refunds of part of the taxes paid), or by a sales tax, but sound defense financing rests on extending and strengthening income taxes and adapting them to the desired objectives. The chief adjustments required are: broadening the tax base by lowering exemptions, assuring prompt payment of taxes by collection at the source or by auxiliary devices, and providing for the adjustment of tax rates upward when a rising cost of living shows the need for draining off consumer spending power which cannot be matched by production."

The manuscript of the book was completed in June apparently, that is, before the enactment of the federal Revenue Act of 1941 in September. The authors oppose the repeal of any existing taxes, "whatever their defects," "without a strong showing of necessity," and favor personal income taxes as the basic defense taxes. They would lower the personal exemptions by fifty per cent of the 1940 level, if necessary, and might have levies which would drain off half of taxable income on the average. Though such measures might appear harsh, those with incomes below $3,000 would fare better, the authors say, than under inflation or sales taxes. After establishing rates which they think would be appropriate in view of dangers of inflation and fiscal needs, they would adjust them every month that the cost of living index changes more than 0.2 per cent (estimating that a one per cent tax increase would be appropriate to offset 0.2 per cent rise in the index). If government expenditure exceeds revenue receipts when prices are steady, that is, when no additional taxes are

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needed to reduce consumer spending and thus block inflation, additional funds could be borrowed, preferably from individuals rather than from banks. Collection at the source by utilization of the pay-roll tax machinery, and otherwise where that is not appropriate, would eliminate most of the time lag now experienced between receipt of income and collection of tax thereon, and would thereby greatly reduce the risk and extent of potential inflation.

The statistical estimates of the quantitative effects of various proposals form one of the most interesting and possibly most valuable contributions of this study. The appendix contains a brief, helpful, but inadequate explanation of the statistical procedures. There are also brief chapters on German, British, Canadian, and Japanese war financing.

As may be surmised from the above, the book is written from the viewpoint of monetary theorists who have found the old orthodox monetary and banking control devices inadequate and who therefore seek to add government taxing and spending to their quiver, the dominant theme being the prevention or minimization of inflation, with the presumably ultimate purpose of minimizing the evils of pre-war, war, and post-war economic and social upheavals and readjustments.

While there is very little in this volume that is entirely new, there is much that is new to laymen, including most congressmen and some government officials. But it usually takes skillful presentation, a good deal of repetition, and time to educate and move policy-makers, legislators, and others to accept untried policies and practices. This is a good synthesis of various related proposals to achieve a definite purpose; the treatment is informing and thought-provoking. The conclusions are summarized so that an intelligent layman can understand what action is proposed, even if he does have to take many of the assumptions and statistical estimates and justifications on faith, possibly with some doubts mingled with his beliefs.

ROY G. BLAKEY.

University of Minnesota.

The Impact of War. BY PENDLETON HERRING. (New York: Farrar and Rinehart, Inc., 1941. Pp. ix, 306. $2.50.)

In this book, Professor Herring discusses the implications of war, and of the maintenance of a large military force, for democratic institutions. It was written several months before we were formally at war, but the problems raised are of even greater significance now that war is upon us. The volume is based upon research which the author has conducted with seminar students at Harvard University for the last year or more on civil-military relations. Its central theme is the rôle of the military in a democracy. The author urges throughout a better understanding of the rôle,

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and recognition of the fact that hereafter "all great nations, whatever the political philosophy of their people may be, have to be militarily strong if they are to survive."

The volume does not contain any discussion of many aspects of the impact of war upon government and society which one would expect from its title. Such subjects as financing the war, its effects on labor, agriculture, and industry, the participation of states and local governments, or the impact of the war on health, welfare, education, and other governmental services are not included, even casually. No mention is made of the effect of the war on civil liberties.

The volume contains a useful, though somewhat sketchy, history of the rôle of the military in American government, bearing out the author's thesis that the military has been shamefully neglected and assigned to an inferior and not quite respectable rôle, and that throughout our history it has been feared and distrusted as a threat to our liberties. In the Constitutional Convention, Mr. Gerry introduced a motion to limit the army in peace-time to a specified number, and said he thought two thousand or three thousand men would be all that were necessary. General Washington, who was presiding, whispered aside that the motion should be amended to prohibit any enemy from attacking the country with more than three thousand troops!

Jefferson, Hamilton, Madison, and other early statesmen are cited in support of a trained militia in preference to a large standing army. Opposition to a large military force, as well as subordination of the military to the civil authorities, was and still is a fundamental part of American political ideology. The author cites many illustrations of the failure of Congress to act upon recommendations for improvement of the military organization, and discusses why democracies tend to neglect their defense in time of peace, and hence are characteristically weak and unprepared when war breaks out. The principal explanation offered is the fear of the military, and that it "must carry on in a *milieu* often unfriendly and sometimes sharply antagonistic." The author urges that we discard our fear of a large military force, and look upon it, not "as a necessary evil to be tolerated," but as an essential means of preserving democratic institutions. He says at various places that the military will play a large rôle in the future, but is not to be regarded as inimical to democratic institutions.

While accepting Professor Herring's position that we live today in a world of force, and that we will probably have to maintain a strong military organization for years to come, the reviewer cannot agree that this fact constitutes no threat to democratic institutions. We are too sophisticated today to believe that this war will end all future wars, but nevertheless the fundamental issue of the present war is supplied by our un-

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willingness to accept a new world order dominated by military force. We cherish the hope and the determination that this time we will win the peace as well as the war, and play a vital part in the establishment of a jural world order in which peace will be safeguarded and armament races between nations ended.

There is little in the world around us to support the thesis that powerful military forces are no longer to be feared, and no longer constitute a danger to democratic institutions. To the contrary, they are today more dangerous to free institutions than ever before. However, we may have to maintain a large military force in the years ahead, and it is therefore imperative that we learn how to accommodate democratic government to this fact. The trouble in the recent past that has brought about the weakness of our military forces has not been lack of support, or an antagonistic attitude of Congress toward the military. No government department has enjoyed greater favor and support in Congress than the Army and Navy. It has been rather the insistence of Congress on playing politics with the military, crippling any effective planning for national defense by its detailed appropriation measures and other control, and placing political ahead of military considerations in the disposition of the armed forces. There have also been internal weaknesses in the military organization itself which Professor Herring points out—weaknesses caused by the isolation of the military from civilian life, the failure of the military academies to keep up with educational developments, and, above all, the tendency of the military to cling to the old and to discourage progress and change. These are weaknesses to be overcome if we are to have an effective military force in the future.

JOSEPH P. HARRIS.

University of California.

The Continental Congress. BY EDMUND CODY BURNETT. (New York: The Macmillan Company. 1941. Pp. xiv, 757. $6.00.)

This study of the Continental Congress is written by the compiler of the eight-volume collection of *Letters of Members of the Continental Congress.* It draws very freely on those letters in unrolling the narrative of the chief organ of the general government in the colonies from the meeting of the First Continental Congress in 1774 to the turning over of the government to the Congress of the United States under the new Constitution in 1789. The name "Continental Congress," as used in this work, refers to the Congress of the Confederation under the Articles, therefore, as well as the Congress before the Articles. The treatment is chronological rather than topical, and is moreover on the whole narrative rather than profoundly investigatory.

The author is concerned chiefly with the "growth of national begin-

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nings" in America as revealed in the activities of the colonial representatives in Congress assembled. It was not until long after the adoption of the Constitution that the United States was possessed of a genuine national spirit. But seeds of nationalism had been planted and were in gestation during the period here considered. Familiar and colorful events of the Revolutionary War, the Confederation, and the movement for the Constitution are here seen from a new, enlightening, and refreshing perspective. It is the perspective furnished by viewing these happenings as they pass in dramatic parade on the stage of the Congress, and as they appeared to the members of that body. The actual fighting of the Revolution and the actual framing and ratification of the Constitution are in the background, yet both are illumined by what was being said and done in Congress about them. The book is also successful, aside from giving this welcome fresh perspective, in achieving one of the author's chief aims, namely, in demonstrating the surprising degree of continuity of policy and of institutional development throughout the years from 1774 to 1789.

But the volume is no more than it pretends to be. It is a narrative of persons, events, and personal opinions. It adds little to scholarly controversies over the *locus* of sovereignty during this period, over the inner nature of the federal Constitution, over the Beard thesis as to the economic interpretation of the events of this period, over whether the Revolution was or was not a social revolution. It takes the orthodox approach—it is almost squarely in the tradition of "history written from a Federalist point of view"—as to the nature of the "critical era" in which the move for union developed. Shays' rebellion is dismissed as "a revolt of the have-nots against the haves, incited by the age-old envy of the shiftless toward the successful" (p. 671). Opponents of the Constitution are on the whole presented as men of limited intellect and narrow vision. A passage in the preface intimates this, and at the same time reveals certain mannerisms of style that the present reviewer had to assimilate with some effort before he could enjoy the flow of the narrative. "The union must not be permitted to perish, and the Congress must be preserved as the symbol of that union, preserved unto that better day when a more perfect union might be enabled to take its place. Amid this confusion of voices, it was the call of these men of vision and faith to which Congress at length hearkened, even though not without some faltering. It was their faith in the ultimate growth of the infant nation into virile strength that the Congress was in time brought to embrace, and that faith should be accounted unto it for righteousness worthy of its meed" (p. x).

This is the recurring theme of the story that the author tells. If, as he admits, his living with the letters has led him to seem to be "dwelling on terms of intimacy with the men who stride, majestically or stumblingly, across these pages" (p. xii), and if this has in turn led him to accept much

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of what they said at face value, where is the harm? This is the history of the Congress, told unpedantically (there are no footnotes), very often in the words of the members themselves, and always in a sympathetic way. As such, and as the only complete story of the Congress, it is recommended reading for the inquisitive general reader as well as for the specialist in American history or government.

VINCENT M. BARNETT, JR.

Williams College.

The Constitution of the United States. By JAMES M. BECK. Revised by James Truslow Adams. (New York: Doubleday, Doran and Company. 1941. Pp. xvii, 319. $2.50.)

Drafting the Federal Constitution. By ARTHUR TAYLOR PRESCOTT. (University, Louisiana: Lousiana State University Press. 1941. Pp. xix, 838. $5.50.)

The publishers of the new edition of James M. Beck's *The Constitution of the United States* could have selected no person more admirably suited for the task of revision than James Truslow Adams. Condensation of the three final chapters of the first edition into one ("Another Half Century —1924"), and the addition of a brief concluding chapter ("Epilogue") written by Mr. Adams constitute the revision efforts. The reviser has interpreted contemporary political developments in such a way that "Epilogue" is pitched in perfect harmony with the familiar Beck concept of the Constitution and the Supreme Court. Mr. Adams holds the view "that one of the great dangers to constitutionalism in our day and the future is government by executive order or commission rulings instead of by legislation of the old type, in other words, a government of men and not of laws" (p. 269). Perhaps overlooking the R.F.C. in this connection, Mr. Adams states that "the N.L.R.B. has been particularly notable in trying to make this a land of government by men and not by law, as we used to understand that term" (p. 270). Other grave threats to constitutional government have resulted from "the great personal popularity of the President, the long abdication of leadership in Congress, the misery of many of the people, their new belief in presidential prosperity and in the relation of government to them, and the changing views of the nature and obligations of property" (p. 269).

Mr. Adams thinks that President Roosevelt's relations with the Supreme Court are, to say the least, hardly praiseworthy. For example: "Toward the beginning of his first term, it appears that he [Roosevelt] had the idea that legislation might, so to say, be certified as constitutional in advance, by having the Court discuss laws before passage instead of waiting for them to come before them some day as involved in

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special cases of litigation, which is the only constitutional function of the Court in this respect. The President's plan was obviously an impossible one and would not have been proposed by one who understood and believed in the Constitution and the working of the American system of government" (p. 272). Mr. Adams does not mention the fact that the supreme courts of at least ten American states will render advisory opinions on the constitutionality of proposed legislation. His criticism of President Roosevelt's request of the Ways and Means Committee in 1935 that doubts with respect to the constitutionality of the pending Guffey Coal Bill should not be permitted "to block the proposed legislation" (p. 275) is perhaps due to the fact that Mr. Adams is not as familiar as is Mr. Roosevelt with the unpredictability of judicial interpretations. President Roosevelt's third term and perhaps a fourth, his attempts to reorganize the Supreme Court and to "purge" the party, and his unwillingness to relinquish vast "emergency powers" or to curb reckless spending meet with the reviser's stern disapproval. The present threat to the life of Britain and free government, together with Mr. Roosevelt's alleged dubious political practices, forces Mr. Adams to conclude that concerning the future of "our domestic constitutionalism" little may be said, save that it rests "on the knees of the gods" (p. 279).

Drafting the Federal Constitution is a compilation of James Madison's *Notes* on the Convention of 1787, arranged in such a manner that all actions, debates, and discussions on a selected subject are grouped together in a single chapter or section. Under the sectional heading of "Amendment of the Constitution," for example, Professor Prescott combines all of the relevant proceedings on the amending process. In effect, the *Notes*, as edited by Gailliard Hunt and James Brown Scott (*The Debates in the Federal Convention of 1787 Which Framed the Constitution of the United States of America*, New York, 1920), are reshuffled under specific titles for the convenience of persons who would turn back to study the deliberations of the Convention of 1787. Part I contains documents on the immediate political background and organization of the Convention, the two plans of union, development of the Virginia plan, and ratification. The organization, powers, obligations, and prerogatives of the Congress determine the selection of excerpts from the *Notes* for Parts II and III. Convention proceedings on the executive and judicial departments are arranged in Part IV, and the fifth, concluding part deals with the federal system, civil liberties, monetary powers, and "distinctive American adaptations" such as separation of powers and the supreme law clause. The compiler marks the course of the sectional arrangements by interjecting numerous brief, undocumented explanations of the significance of the proceedings or subject-matter. Brief lists of pertinent case citations follow many sections.

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The chief differences between this volume and the Hunt-Scott edition of the *Notes* are the rearrangement of contents, the terse interlinking explanations, and the lists of case citations, all of which, the compiler hopes, "will make the processes and rationale of the drafters more accessible"—to which he adds the hope that "use of this material will strengthen government of the people, by the people, for the people, in the United States by emphasizing the enduring principles incorporated in our supreme law" (p. vii). Professor Prescott's work will be extremely useful for reference purposes. In particular, undergraduate students will find his brief explanations helpful guides toward a preliminary examination of American constitutional government.

ALDEN L. POWELL.

Louisiana State University.

Political Liberty; A History of the Conception in the Middle Ages and Modern Times. By A. J. CARLYLE. (Oxford: The Clarendon Press. 1941. Pp. viii, 220. $3.25.)

The learned joint author of the *History of Medieval Political Theory* extends his range in this volume so as to link medieval ideas of liberty with those of later times. He is particularly concerned to show that a certain fundamental conception of political liberty characterizes medieval reflection and that this same conception, though deflected by doctrines of the absolute state in the seventeenth and eighteenth centuries, has been continuously developed in the political thinking of the modern world. The thinkers of the Middle Ages found, with almost complete unanimity, the source of political authority in the community itself. The same principle had already been enunciated by the great jurists of Rome. For them, "neither the authority of God, nor the intrinsic superiority of the ruler, but the will of the community," invested the emperor with sovereignty (p. 11). In the Middle Ages, the king was "one who ruled according to the law, while the tyrant was one who ignored or violated the laws" (p. 18). Never in the Middle Ages was the conception of the *Führerprincip* admitted. In the sixteenth century, the theory of the absolute prince arose. It is found in Luther and Tyndale and in some French Roman Catholic writers. Among secular writers, Bodin was the first to give it important expression. But the older doctrine was never wholly lost, and it was resumed with new vigor in the eighteenth century, especially in France and in England.

The author takes special pains to show that even in the seventeenth century the great tradition of political liberty was maintained by important thinkers, especially Richard Hooker and Johannes Althusius. To these thinkers absolute monarchy was "a new and monstrous thing." The older doctrine of the final authority of the community still endured, in

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Germany and Spain and Holland and France and England, until it was reinforced by the victory of constitutional principles in England. The author goes on to discuss its development in Voltaire, Montesquieu, Paine, Rousseau, and Burke, and its relation to the American Revolution and the French Revolution.

The author supports his main thesis with skill and much erudition. It should be noted, however, that he identifies the concept of political liberty with a rather abstract doctrine concerning the ultimate basis of authority. In consequence, the author is much more effective when he is dealing with the continuity of the concept than when he is concerned with its development. What is the community to which ultimate authority is attributed? What is its function in asserting this authority? These crucial questions were answered in vastly different ways at different times and by different thinkers. What is the relation of liberty to law? An important development in political thought arose out of the changing answers to this question. What is the relation of the authority of the community to the liberties of the subject? What is the relation of political liberty to economic liberties? Such questions as these gave dynamic quality to the changing concept of political liberty, but they are scarcely touched by the author of this book.

R. M. MacIver.

Columbia University.

The Totalitarian War and After. By Count Carlo Sforza. (Chicago: University of Chicago Press. 1941. Pp. viii, 120. $1.25.)

From his long and intimate knowledge of the European scene, Count Sforza here presents a series of conclusions which merit the most careful consideration. He speaks as a true Italian liberal— not as a Fascist—as an internationalist, as a philosopher, as a statesman, in the better meaning of these terms.

He points out that Fascism runs counter to the great trends of Italian thought from Dante to Machiavelli, from Vico to Croce. "Opportunism, gangsterism, systematic cheating," he says, "will never create a philosophy." He regards Italians as perhaps the most internationally minded of all peoples. Did not Thomas Aquinas coin the phrase *societas nationum* eight centuries before Woodrow Wilson? "At a certain moment," he declares, "the era of ferocious nationalisms will disappear, as suddenly as the religious wars ended in Europe three centuries ago."

Count Sforza's reflections on the collapse of democracy in Europe are both profound and illuminating. He believes that the average Frenchman is still a democrat at heart, in spite of his betrayal by weak and selfish leaders, and by a venal press. On the other hand, the Weimar Republic of Germany died because it existed without roots in the minds of the people.

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It easily fell prey to the Junkers, who plundered the state of all they could, thus preparing for the inevitable arrival of Hitler.

Propaganda played a great part in the destruction of the democratic régimes. Hitler and Mussolini successfully used the fear of Bolshevism to enlist friends and supporters in France and England at a time when those countries should have been ready to resist the destruction of Spain and later of Czechoslovakia. The Axis won the first phase of the war—the "undeclared" war—through the connivance of the governing classes which placed selfish interests above the interests of the state.

That the peoples of Europe should be enslaved by two vulgar tyrants like Hitler and Mussolini is difficult for most Americans to understand. The explanation that Count Sforza gives is helpful. "With the increased influence of the lower middle classes of the bourgeoisie, more nationalistic and emotional than the internationalized working classes and the aristocracies, the Hitlers and Mussolinis spoke the language of the least intelligent, the least farseeing, and the most childish portion of the people. In such a world it was natural that they should become prophets."

But the dictators are defying the laws of human nature. As long as a single free nation remains, those who are enslaved will lift their eyes to that example and will not rest until they have broken their shackles. Men of different races—even the polyglot of Central Europe—are destined to live together in peace. Thanks to science and to man's enterprise, the world is shrinking in size and is becoming increasingly interdependent. The Wilson experiment failed because the leaders of the League regarded peace as a negative condition maintaining itself automatically in the absence of war. Peace, rather, is "the continuous creation of international solidarities." The answer to the problem appears to rest in a European federation, plus a federation of the English-speaking nations.

The contents of this valuable little book were written as the fifth series of the Green Foundation Lectures at Westminster College, Fulton, Missouri.

S. D. Myres, Jr.

Southern Methodist University.

Foundations of Modern World Society. By Linden A. Mander. (Stanford University Press. 1941. Pp. x, 910. $4.25.)

Professor Mander builds this volume upon the fact that the foundations of human life are broader than such terms as "national power" imply. "If we are sincere in proclaiming that welfare rather than power is the democratic goal, it would seem logical to begin by considering those things which minister to man's physical, economic, mental, and spiritual welfare. Sovereignty and political organizations enter the picture eventually." Thus he begins with health and crime, as international problems, and

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develops gradually to political organization and the international problem of security.

It is a wise approach—a proper and logical one. We have for so long thought of the state as the final instrument of service for human beings that we now are shocked at the thought of another instrument; yet it is undoubtedly true, in the interdependent life of today, that no state is able, alone, to protect the interests or advance the welfare of its members to the degree that is possible and desirable. We are accustomed to start our thinking with the state, when really it should begin with the individual. The result of this approach is to make the arrangement of the materials, both of chapters and of materials within chapters, quite different from the usual book. Even with this explanation, the reader may find himself wondering as to the organization at times—and probably concluding that it would be impossible to organize so vast an amount of material to the satisfaction of everyone.

A great deal of reading and investigation was required to write this book. Its range is wide, and—as this reviewer knows by experience—the materials for one chapter must be gleaned from a thousand different sources. Probably no one book contains as much factual material concerning international administrative tasks and problems as does this one, though, of course, it does not pretend to give an exhaustive presentation of any of them. It is a very useful reference work for those who study international relations.

It is a difficult job to herd 900 pages to the proper gate, and the reader will find ups and downs and delays on the trail; but Professor Mander brings in his flock of facts from all sorts of byways and marshals them steadily down the main trail. His conclusions are inescapable. In none of these fields can humanity progress unless by international coöperation; and this coöperation is impossible as long as nations must prepare for war. To increase nationalistic competition and war preparations is not the answer for democracies; no matter how difficult the task may be, democracies must seek the answer in international government. Most of the talk today of post-war reconstruction seems to be along economic lines, but no satisfactory solutions, economic or otherwise, can be reached without political organization and authority. This is the lesson taught by the assemblage of facts—well worth while merely for the assembling—by Professor Mander in his book; it is to be hoped that many will read it.

CLYDE EAGLETON.

New York University.

Conference on North Atlantic Relations, Data Papers. (Princeton: AMERICAN COMMITTEE FOR INTERNATIONAL STUDIES. 1941.)

Though American interest in the war has turned to the Pacific, the war in all theaters is undoubtedly a unit and the problems of the Atlantic

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remain important. The nature of these problems was discussed in a conference on North Atlantic Relations, which met at Prout's Neck, Maine, September 4–9, 1941. The twenty data papers presented to the conference were at first confidential, but have now been made available to the public by the American Committee for International Studies, under whose auspices the conference was held.

The papers, most of which are in mimeographed form, contain valuable information on Atlantic strategy, on Anglo-American economic and military coöperation, on Europe under Hitler, on the interest of the Continental European states in the Atlantic, and on war aims and post-war plans of the countries opposed to Hitler. Many of the papers draw on the experience of World War I, as, for example, that by General Sir Frederick Maurice, in which one finds the significant statement that "strategic coöperation of allied fleets is much more easily arranged than is the strategic cooperation of allied armies" (No. 16, p. 8). Goldwin Smith presents a detailed account of the coöperation in all fields among the North Atlantic nations in World War I (No. 8). André Istel, a former official of the French treasury, describes the far-reaching Franco-British financial agreement of December, 1939 (No. 9).

Of a more general character are papers by Bernard Brodie on Atlantic strategy (No. 2), by Eugene Staley on economic collaboration (No. 3), by Harold D. Lasswell on public opinion and British-American unity (No. 4), by Percy Corbett on post-war plans (No. 1), and by an unnamed author on post-war shipping problems (No. 18). Especially significant is the paper by Arnold Raestad, governor of the bank of Norway, on the relations of European union, an Atlantic bloc, and world organization (No. 5).

The papers in general emphasize the importance of British-Canadian-American collaboration, and its practicability, provided adequate machinery is created. Several of them emphasize the probability that close collaboration of these countries will be essential in the reconstruction period after the war.

The papers tend to be practical and immediate, with a minimum of reflection on the nature of the future world order, though all are inspired by the general conviction that the survival of democracy depends upon a greater willingness of states to subordinate national sovereignty to world order than was manifested after World War I.

QUINCY WRIGHT.

University of Chicago.

The Atlantic System. By FORREST DAVIS. (New York: Reynal and Hitchcock. 1941. Pp. xvi, 363. $3.00.)

The title of this timely book, from the pen of a well-known American journalist, is derived from a passage in a letter written in 1906 by Henry

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Adams: "We have got to fortify the Atlantic System . . . for if Germany breaks down England . . . she becomes the center of a military world, and we are lost. . . ." The author's approach is historical; the period covered, 1890–1941. The central theme is the growing interdependence, political and military, of the English-speaking peoples during that period. The main thesis is that the American people, while generally professing their historic policies of neutrality and political isolation, and while periodically engaging in petty quarrels with Great Britain, have been moving "irresistibly" toward a partnership of sea power with the British Commonwealth of Nations.

The book opens with an account of the rebirth of American naval power in the 1890's. The author discusses the impact of Mahan on world politics in general and on American statecraft in particular. There is a chapter on the Venezuelan boundary dispute of 1895, described as the "last [serious Anglo-American] quarrel." Attention is paid to Great Britain's military withdrawal from the "American seas" after the turn of the century. The author describes in considerable detail the development of Anglo-American collaboration and solidarity both in the Atlantic and in the Pacific between 1898 and 1914. There is a chapter on the war of 1914–18, appropriately entitled "the first battle of the Atlantic." The background and achievements of the Washington Conference are duly considered, with emphasis correctly placed on the resulting blueprint of an Anglo-American "partnership on the seven seas." The book concludes with the events leading to the Roosevelt-Churchill "Atlantic Charter" of 1941.

Though written mainly from memoirs and secondary materials, the book contains many suggestive reinterpretations of men and events. The author believes, for example, that Page grasped the basic problem of American security in relation to the last war far more realistically than did Wilson or House. He concludes that the United States "primarily . . . fought not for the betterment of mankind but . . . for command of the Atlantic," or rather to bolster British sea power against the westward drive of German militarism. And one might cite many other points of comparable importance.

The concept of a Pax Anglo-Americana is not a new one. It was historically developed, competently analyzed, and warmly urged nearly fifteen years ago in a brilliant study entitled *Freedom of the Seas*, by Lt. Comdr. J. M. Kenworthy (now Lord Strabolgi) and George Young. It was examined from a politico-naval standpoint in this reviewer's own recent volume, *Toward a New Order of Sea Power*. In one way or another, it has figured in many other books and articles. But no one has argued the case more persuasively and convincingly than the author of *The Atlantic System*.

At the same time, the book has certain limitations. The author could have strengthened his case immensely by showing the politico-military

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consequences resulting from the rise of German industrial economy, from the development of submarines and air power, etc. He could have shown much more clearly why, under the conditions of present-day military geography and war technology, the British Commonwealth of Nations and the United States have become natural allies; how each member of this combination, in short, possesses elements of strength which tend to compensate for corresponding elements of weakness in the others. Furthermore, in judging statesmen—Wilson, Page, House, Borah, Hughes, Hoover, and many others—there is too strong a tendency to paint in black and white, rather than in varying shades of gray. The book is written in a lively style—too lively in places for strict historical accuracy. The general reader may rejoice in the absence of footnotes, but the serious student of politics will discover that this lack of "scholarly apparatus" severely curtails the book's utility for reference purposes—a defect partially corrected by an excellent index.

Despite all these criticisms, the book has a great deal of merit and considerable lasting importance. It is based upon power conceptions which this reviewer regards as fundamentally sound. Indeed, the future of the English-speaking peoples may depend in large degree on their ability to build upon the Atlantic Charter a combination of sea and air power as formidable in the years to come as British sea power alone was after the Napoleonic Wars.

HAROLD H. SPROUT.

Princeton University.

European Colonial Expansion since 1871. By MARY E. TOWNSEND AND CYRUS H. PEAKE. (New York: J. B. Lippincott Company. 1941. Pp. viii, 629. $4.00.)

This is a well-organized text on modern imperialism, with an emphasis on factual presentation and short, but useful, interpretative summaries. The first two chapters form a very good summary of the nature of imperialism. In the first one, the authors describe briefly the types and kinds of colonialism. One defect in this chapter is to be found in the presentation of statistical data as to the distribution of colonial resources. The manner in which the data are presented leads the student to conclude that metropolitan states obtain a large proportion of their necessary raw material resources from their colonies. There is no table showing just what proportion of the raw material needs of the Great Powers are obtained from noncolonial areas. The absence of such a table leads to erroneous conclusions.

The second chapter contains a brief description of the techniques of imperialism under the interesting title, "Who Unrolled the Map of Empire and Why." The rôles of the explorer, the capitalist promoter, the missionary, the consul, the soldier, and the engineer in modern imperialism are

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briefly explained. The chapter concludes with a discussion of nationalism and other forces behind the expansionist policies of the Powers.

The remainder of the book deals with modern imperialism in the principal geographic areas of the world. Part II has to do with Africa, Part III with the Near East, Part IV with the Middle East, and Part V with the Far East. In each section, the authors first describe the geographic area as a whole and then deal with the holdings of each colonial power. The presentation is clear and includes essential information concerning the area, resources, and government of the respective colonies or dependencies. A summary chapter (or chapters) at the end of each major part attempts an evaluation of the importance of the colony to the mother country and the effects of colonial rule on the natives. There are brief bibliographies at the ends of chapters.

Since this text deals only with European expansion, there is no discussion of imperialism in the Western hemisphere. On the other hand, the colonial holdings and the policies of the United States, a non-European power, in the Far East are discussed. The book will be useful for courses in modern imperialism if extensively supplemented by readings and lectures.

WILLIAM C. JOHNSTONE.

George Washington University.

Ideologies and American Labor. By PAUL K. CROSSER. (New York: Oxford University Press. 1941. Pp. xvi, 221. $2.50.)

British Working Class Politics. By G. D. H. COLE. (London: George Routledge and Sons. 1941. Pp. viii, 320. 7s. 6d.)

Now that we are in a world at war, stimulating volumes like Mr. Crosser's dealing with the drift of society may not be widely read. We will be more and more preoccupied with preserving our country and its institutions without inquiring where those institutions are headed. Mr. Crosser's volume is a study of the philosophical heritage of current ideas in American industrial life and their social significance, and is the kind of a study which is long over-due. This kind of imaginative and philosophical thinking is woefully lacking in our treatment of industrial problems. Scholars, just as active participants in industrial decisions, do an extraordinary amount of bouncing from pillar to post without fundamental thinking about the basic things that are going on around us. Various conditions of our society present, beneath many superficial differences, rather marked alliance with conditions of other ages, and only by a consideration of these can we gain a perspective of the basic drift of our industrial society. This book may prove a beacon to many whose thinking has been stumbling in the same direction. It no doubt will stimulate others to utilize not only economics and history but also philosophy in approaching our industrial problems.

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Philosophical treatments such as Mr. Crosser's involve many generalizations, and generalization is notoriously treacherous. It may either say too much or, because broad, lead to inferences that may be wide of the truth. Both of these kinds of generalization occur in Mr. Crosser's book. For instance, in referring to the "growing incapacity of the individual manager to preserve peace in industry by informal, extemporized methods," Mr. Crosser points out that this has "necessitated a revision of the general rules of labor relations. The new rules," continues the author, "have been based on the conception of industrial partnership" (p. 130). This overlooks entirely the very useful and successful techniques in factory management and personnel work which have greatly helped in the larger companies "to preserve peace in industry" without any revision in "general rules" being necessitated. Whether such "revision of the general rules" as has been necessitated has been based on "the conception of industrial partnership" is certainly unduly stretching "partnership." (See also a statement to the same effect on p. 141.) Whether John L. Lewis has "a progressive social vision" (p. 153) depends on what one means by "social." Certain periods in Mr. Lewis's career and certain of his methods open such a statement to some question. The statement that "the Marxian pattern is not a dominant factor in the ideological background of the C.I.O. leadership or membership" (p. 154) certainly deserves the footnote that this pattern is a dominant factor in the ideological background of certain leaders and certain locals of the C.I.O. The statement that laborers were "the main sufferers" of the social evils which the Sherman Anti-trust Act was designed to correct betrays a woeful lack of knowledge of industrial and social conditions of America at that time.

This is a day in which the fate of nations, institutions, classes, and individual seekers of truth hangs upon a revolution which cannot be superficially dismissed as simply a threat of "the Axis Powers." It is peculiarly appropriate that in a time of revolution there should issue from the pen of G. D. H. Cole an illuminating history of another sort of revolution—a quiet revolution which so far has utilized democratic techniques. Mr. Cole's book is an excellent full-length history from 1832 to 1914 of the effort in Britain to develop a labor party. There is a useful and brilliant "Epilogue" (Chap. XIX) on the party's development during and after the first World War.

No man was more responsible for the formation of the Labor party than Keir Hardie, and Mr. Cole's judgment of Hardie and his associates is in every instance sound and fair. The sketch of Blatchford is particularly a good one, and the appraisal of those who appeared on the scene later—Ramsay MacDonald, Arthur Henderson, Philip Snowden, *et alia*—is equally dispassionate and penetrating. In addition to personalities, Mr. Cole refers adequately to many of the other factors which influenced this revolution in British life. Social problems and their influence upon the

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labor movement are, however, far from sharply etched. Also, was the Taff Vale judgment wrong *per se*, or wrong only because of the relative economic status of unions and employers at that time? Perhaps this is heresy, but this question may be more and more raised. Is it, also, square with the facts to assert that "industrial action had been rendered almost impossible by the Taff Vale decision" (p. 177)? It was limited and retarded, but British trade union activities themselves seem clearly to dispute such a statement. Nor is the chapter on "Labour Unrest" up to the high quality of the rest of the book.

SMITH SIMPSON.

University of Pennsylvania.

Introduction to Responsible Citizenship. EDITED BY WILLIAM E. MOSHER. (New York: Henry Holt and Company. 1941. Pp. 887. $3.25.)

This book is a joint product of members of the Maxwell Graduate School of Citizenship and Public Affairs at Syracuse University. It has grown out of a course of the same name begun in 1924 and having, at times, as many as 700 registrants. Apart from chapters of introduction and conclusion, there are five parts: I, "Social Behavior"; II, "Our Ways of Governance"; III, "Economics for the Citizen"; IV, "Democracy—An Historical Appreciation"; and V, "Rival Social Philosophies."

The past two or three years have seen a number of attempts at writing textbooks designed to introduce the student to the social sciences in the course of a year's work. The various volumes differ in content, style, and emphasis, and since most of them are products of collective writing, they differ internally in a similar fashion. It further appears that textbook writing in this field has been struggling to achieve an "institutional" approach in handling social science phenomena.

The book under review definitely seeks to provide an institutional exposition. Part I deals with human nature, learning, social behavior, cultural behavior, and institutional behavior, and presents case illustrations from the Iroquois and Japanese. It is unfortunate that this part contains some of the worst features of "institutional" writing. It is wordy, discursive, lacking in disciplined thinking, replete with none too apt illustration, and contains many doubtful or unestablished propositions. In the eyes of this reviewer, the basic premises on the nature of institutions followed by the writer of this part, and apparently accepted by the editor and the other contributors, are erroneous. The writer has raised Floyd Allport's "institutional fallacy" into a shibboleth which prevents accurate analysis of institutions. It leads the writer of this part to say: "*Culture* has no independent existence." And of marriage as an institution: "All that happens is that specific persons observe certain routine customs and ceremonies, conform to certain legal specifications, and thereafter live together according

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to more or less conventional ways that involve designated responsibilities and privileges. . . . If no one married, there could be no institution of marriage." This type of statement displays clearly the fallacy of the "institutional fallacy." The above statement is equivalent to saying that if animals did not procreate there would be no sex urge. Space does not permit further analysis and suggestion of correctives, but what this reviewer considers to be first-rate institutional writing may be found in Walton Hamilton's T. N. E. C. monograph on *Anti-Trust in Action.*

Part II labors under the disadvantage of the title "Our Ways of Governance," which is to some degree indicative of the language employed in the writing. Here, too, the writing is consciously institutional, but not successfully so. Those who attempt to write in this fashion struggle on the one hand to avoid the dry description of specific institutions, and on the other to illustrate their points functionally or generally—that is, so that both the point and its illustration are applicable to the situation wherever found. The author of this part errs in the latter direction: with few exceptions, all of his discussion is in functional, abstract, general, non-specific terms. Parties, legislatures, courts, administration are explained with only a rare reference to any particular institution. Concrete illustration is at a minimum and, when used, is employed as an incidental reference rather than as a tool of exposition. On occasion, the writer lapses into long lists of "developmental" questions designed, probably, to incite the student to concrete application.

The criticism of these two parts is made at this length because this reviewer believes that the institutional approach is sound, but that the literary technique for handling it is especially weak among sociologists and political scientists. The best institutional writing is being done by economists. Further, the above criticism should not be taken to mean that there is not much good content and at points excellent exposition in the first two parts.

Part III, "Economics for the Citizen," overcomes many of the above criticisms. In the early chapters, it presents the institutional setting in highly simplified form—almost too simplified for college students. But most of the chapters deal with difficult current economic organization and problems, with a wealth of specific and apt illustration. It is noteworthy in this part that the writer has made excellent use of the valuable materials in government reports—especially those of the National Resources Planning Board. The writing in other parts has missed some good opportunities by failure to exploit this type of material.

In Part IV, Chapters 29–34 inclusive are on an historical appreciation of democracy and are written by a man who specializes in English history. As a consequence, they are highly informative and lay a good foundation for the study of the subject. The only criticism might be as to the amount

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of this material which ought to be incorporated in an introductory text not in the field of history. Three chapters, somewhat less adequate but amply illustrated, treat of democracy historically in the United States, and a final chapter deals with "The Progressive Movement." It is perhaps characteristic of this book that the specific elements of the New Deal period are confined to eight pages in this chapter.

Part V gives brief treatment of the totalitarian philosophies, possibly sufficient for the purposes of an introductory course. The "Introduction," Chapter 39 on "The Democratic Way of Life," and Chapter 42 on "Toward an Effective Democracy," are, as the titles indicate, heavily weighted with sermon material. Professor Mosher has long held that college students should go into politics and that they can by doing so help raise the practice of politics to a higher level. This general philosophy runs through the book. It is praiseworthy but tends to be accompanied by a form of illustration and a level of humor reminiscent of the denominational academy. College students are more likely to be attracted by stronger stuff.

One final comment. With all the world going "administrative" as it were, with current American thought being titillated by the idea of a "managerial revolution," and with the leading part played by Syracuse University in developing interest in and training for public administration, it is a matter of real surprise to find public administration substantially ignored in this text. The difficulty lies in part, I think, in a mistaken motion of what constitutes good institutional writing. Chapter 15 on "Institutions Through which Government Is Carried On" devotes a paragraph to managerial duties, two paragraphs to a highly concentrated listing of government activities, two paragraphs to federal-state-local administrative relations, two paragraphs to horizontal local relations, two paragraphs to executive-legislative relations, two pages to personnel management, and so on. One only needs to compare a book of this kind with a standard text like Ogg and Ray's *Introduction to American Government* to see how much information about government has been left out.

It is plain from the new texts that have thus far appeared that the solution for integrating the discussion of political institutions with that of social institutions generally has not been found and that political scientists, in particular, are not yet prepared to do good institutional writing. It is, of course, only one man's opinion, but this reviewer is inclined to think that the book under review will not be satisfactorily "teachable."

HARVEY PINNEY.

New York University.

The Psychology of Social Movements. By HADLEY CANTRIL. (Princeton: Princeton University Press. 1941. Pp. 274.)

This compact volume should be extremely useful to political scientists who wish a tool with which to study pressure groups and leadership. In it

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an associate professor of psychology at Princeton University attempts to answer systematically, and more precisely than has been done before, the question of "what motivates men to follow an untried leader, what the social environment does to make people so suggestible, what people are thinking about, are puzzled about, and are hoping for when they lose themselves in some cause that seems strange or esoteric to the observer."

The first seventy condensed pages are devoted to the establishment of psychologically adequate concepts which will explain such diverse social movements as lynching mobs, Father Divine, the Townsend Plan, the Oxford Movement, and the rise of Adolph Hitler and Nazism. Professor Cantril adopts generally the idea of psychological adequacy rather than scientific validity as a method because he believes that the latter leaves out of consideration too many of the social forces which must be involved in an explanation of social movements. His exposition of such matters as standards of judgment, frames of reference, and attitudes is unusually clear, as is his explanation of the nature of the ego and feeling of self-regard which are of first importance in the motivation of individual activity.

Perhaps the most significant part of the book to students of government relates to what the author calls the "pursuit of meaning." Every individual wishes his environment and activity to make some sort of sense. More technically, he wishes it interpreted in such a way that he can make a definite response and integrate his actions toward some fairly definite objective. Many times he has no frame of reference or internal structuration of his mental context adequate to do this. A person then is open to suggestion when "(1) he has no adequate mental context for the interpretation of a given stimulus or event, and (a) has a desire to find out appropriate interpretations, (b) has no realization that an interpretation is being sought, (c) has a desire to check interpretations but an inability to do so, and (2) when he has a fixed mental context." Each of these situations is well illustrated by contemporary examples.

There is probably not a great deal that is altogether original in the book to social psychologists, except possibly the concept of "functionally autonomous drives," which resemble instincts or prepotent reflexes but are acquired by the individual after considerable acculturation. The real contribution of the volume is that it states precisely and systematically several of the most important principles of social psychology and applies them clearly to contemporary social movements. Political scientists generally have doubtless been indifferent to social psychology in many cases because of the vagueness or undue complexity of its concepts. Here we have not only an advanced but a usable social psychology.

If a criticism is to be made of the book, it is that the concepts or "explanations" set up do not permit prediction in the scientific sense, although a way of making predictions is explicitly stated as an objective of the study. It is true that predictions can be made perhaps on some sort of probability

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basis on the basis of the concepts. This is not prediction in the sense of prediction from scientific laws. Professor Cantril has, however, used an approach which appears to state the particular problems that must be studied "scientifically" by the neurologist, biologist, and psychologist. His approach does not lead up blind alleys, but throws up in their most meaningful form the processes in leadership and social movements which can be studied most fruitfully. Perhaps it would be too optimistic to believe that the study of physical data will lead to scientific prediction of human behavior. However, by starting out with Professor Cantril's concepts it appears that the number of variables can be reduced, and that far more nearly scientific methods of studying leadership and pressure groups can be devised.

QUINTIN M. SANGER.

The National Archives.

BRIEFER NOTICES

AMERICAN GOVERNMENT AND POLITICS

There is an old folk saying that frequently good things come in small packages. Another bit of evidence that this is true will be discovered by expert and student alike when he opens the pages of David Geeting Monroe's *State and Provincial Police* (State and Provincial Section, International Association of Chiefs of Police, and Northwestern University Traffic Institute, pp. xxi, 251). Within the compass of this slender volume, a truly amazing amount of technical factual information is presented and analyzed. Equally amazing is the amount of patient and careful labor that such a compilation must have involved. Although the volume consists of only ten chapters, it is without doubt the most complete, as well as the most detailed, source-book on state police organization, administration, and operations for the United States as a whole that has yet appeared. The author starts on the assumption that state and provincial policing have reached a point in their development where it is necessary to take stock of the progress made, the errors committed, "and the planning required for the future." That he has splendidly discharged his task becomes self-evident. By means of questionnaires and letters to every state official in any way connected with state police organizations, he has brought together a vast array of material dealing with every aspect of administration, functions, communications, salaries, qualifications, training, recruitment, discipline, promotion, jurisdiction, and record systems. Perhaps the outstanding characteristics of state police departments in this country is the lack of uniformity of administrative procedure and jurisdiction. There appears to be no consistent principle as to the controlling authority over the state police. As to function, thirteen of the fifty departments analyzed are

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still restricted to enforcement of motor vehicle laws. There appears to be no standard requirements for the recruit, either for appointment or as to number of hours of subsequent training, or type of training, or the competence of his teachers. Salaries show extreme variations as to minimum, increases, and maximum in all grades; although, as the author points out, certain allowances must be considered when computing patrolmen's income—a statement true, of course, for the higher grades as well. As Dr. Monroe shows, the development of state police has occurred for the most part during the past twenty-five years. But all states now have some kind of police organization. One of the more spectacular developments during the past decade has been the phenomenal growth of police radio, the greatest concentration of such scientific facilities now being located in the East, Middle West, and Northwest. In so brief a review, it is obviously impossible to do justice to so excellent a survey of contemporary state police. Suffice it to say that administrator, patrolman, citizen, and student will find this little volume eminently worth reading.—J. P. SHALLOO.

Publication No. 18 of the Hoover Library on War, Revolution, and Peace is a statistical and analytical study, *History of the United States Food Administration, 1917–1919* (Stanford University Press, pp. xiv, 399, $4.50), by William Clinton Mullendore, assistant counsel to the Food Administration from June 14, 1917, to June 30, 1919. Herbert Hoover, Food Administrator, wrote the introduction to the book in 1920. The manuscript was completed in 1921 and is now published because of its current interest. The foreword by Ralph Haswell Lutz includes a brief explanation of the publication and a brief specialized bibliography of titles which amplify Mr. Mullendore's book. Throughout the report of the activities of the Food Administration, we see Hoover's conviction that a democracy even in war has to be run democratically on the home front. He also evinces a profound faith in the honesty and patriotism of the average business man. The evidence contained in the book leaves the reader feeling that the confidence was not misplaced. The Food Administration was largely decentralized into state and local organizations and manned by employees many of whom were unpaid volunteers. The cost to the taxpayer was, as Mr. Hoover put it, "$50,000,000 less than nothing." He felt that the problem of food distribution could not "permanently be remedied by temporary war regulation." Both agriculture and the consumer, he said, were "vitally interested in remedying the unnecessarily wide margin of cost that exists between producer and consumer." His unshaken faith in private initiative is revealed in his conviction that the usefulness of the Food Administration ended with the war and was not suited to the "economic currents and psychology of peace." He expected the American food trades to turn "towards conservative and safe business" because of the "uncertainty as to

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the progress of the world's politics." This book is an exhaustive study of the complex and effective activities of the Food Administration. In the appendix are two useful tables showing the organization and personnel of the Administration. The volume is sprinkled throughout with illustrative tables and is provided with an adequate index.—ROBERT W. MCCULLOCH.

A phase of governmental policy intimately connected with the rise of commercial aviation in the United States since 1925 is dealt with in F. A. Spencer's *Air Mail Payment and the Government* (Brookings Institution, pp. xii, 402, $3.00). The author is eminently qualified for his task. In addition to specialized study in economics, he has had an active connection with aviation as a licensed commercial pilot and as a member of the professional staff of the Civil Aëronautics Board. The book falls into three main parts, each devoted to a distinct stage in the evolution of practices in compensating private operators for services in air mail transportation. The author describes procedures and principles followed in awarding contracts and analyzes results with reference to economic and technical problems peculiar to air transportation. Of particular interest is the concluding chapter, which is devoted to an evaluation of current rate-making practices and an over-all examination of fundamental questions involved in mail payment policy. The treatment of the subject, which is necessarily somewhat technical and statistical, will probably not appeal to the general reader. However, this does not detract from its unquestioned value as a well-documented, informative analysis of a significant aspect of governmental relations with a business vested with an unusual degree of public interest.—JOSEPH E. KALLENBACH.

In his second county study, *Tennessee Valley County* (Tuscaloosa: Bureau of Public Administration, University of Alabama, pp. 117), Karl A. Bosworth conducts another interesting examination of Southern county politics and administration. His earlier study of Black Belt local government had the same qualities of human interest and sympathy. Mr. Bosworth's description of a typical county in the Tennessee River Valley of northern Alabama will seem familiar ground to all those acquainted with rural local government in this country, but the style in which this material is presented is fresh and vivid beyond the degree usually attained in local-government studies. The volume is especially useful for undergraduate study. *Tennessee Valley County* presents primarily a picture of unintegrated government. Such leadership as was formerly exercised under the office of probate judge has disappeared, although current attempts are being made to reëstablish this integration. Tax administration is unscientific and often lax. Rural judicial machinery at the lower level is in part turned into machinery for lifting small sums from the public till. Among the most interesting portions of the study are the descriptions of evolving

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state-local and federal-local relationships. Tennessee Valley counties have felt the impact of T.V.A. in many ways, directly and indirectly. Yet, "Tennessee Valley Authority operations have done much to the face of the county, but have influenced its governmental institutions and practices but little. . . . The T.V.A. experience serves as another good example of the refractoriness of rural governmental institutions" (p. 114). The reader is struck by the expansion of federal activity in county agriculture, but in spite of this, as in spite of T.V.A., in basic pattern the county remains what it was, a frontier community, part mechanized, part primitive.—LEE S. GREENE.

Those who worry about President Roosevelt and his problems of securing national unity in this period of international crisis should read as an antidote Professor T. Harry Williams' *Lincoln and the Radicals* (University of Wisconsin Press, pp. 413, $3.00). Lincoln's troubles with the Jacobins make Roosevelt's troubles with isolationists seem trivial by contrast. The Jacobins were not isolationists. On the contrary, they were determined, and often unscrupulous, "interventionists." Representing the new industrialists of the North, they were determined to crush the slavocracy even at the risk of losing the war and of leaving the nation permanently divided. The moderate and cautious Lincoln was equally determined to save the Union. To him, emancipation and the Republican party label were secondary. If a united front with Democrats, slavery sympathizers, and even slave-owners, was essential to save the Union, he was willing to pay the price. The Jacobins, under the guise of congressional committee investigation and in other ways, interfered constantly with the selection of generals and with the conduct of the war generally. Although the radicals were able ultimately to force Lincoln's hand in respect to emancipation and in many other matters, he, in his turn, was not incapable of outmaneuvering them at times. However, this study is more particularly an analysis of the radicals than of Lincoln. The volume is ably and interestingly written and carefully documented. There is an excellent seven-page bibliography at the end. The study should be of special interest to political scientists who are concerned with the war-time relationships of the executive and legislative branches and with party and factional politics in periods of crisis.—E. ALLEN HELMS.

A comprehensive survey of purchasing organization, methods, and practices in a large urban area is presented by Paul Beckett and Morris Plotkin in *Governmental Purchasing in the Los Angeles Metropolitan Area* (Los Angeles: Bureau of Governmental Research, University of California at Los Angeles, pp. 186, mim., $0.75). Well organized and documented materials concerning organization, standardization, requirement determinations, negotiations, inspection and testing, warehousing and distribution,

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financial controls, and salvage are included for Los Angeles county, the sanitation district, four city agencies, city school districts, and the metropolitan water district. One-third of the report is devoted to a treatment of the interjurisdictional attempts at coördinated local governmental purchasing in the United States and the Los Angeles area. The last chapter deals with the possibilities of extending the coöperative technique in the Los Angeles area, with a detailed analysis of legal and other obstacles in the way of coöperation by either of the principal methods of joint bids or direct purchase. The report supports the thesis of voluntary action, rather than legal or political coercion. There is appended a six-page selected bibliography which is particularly useful on the subject of coöperative purchasing.—DONOVAN F. EMCH.

A casebook on American constitutional law, from the point of view of the teacher and the student, should be revised frequently to keep pace with the shifting currents of judicial interpretation. This is especially true for our time, when the law is in a state of rapid flux. The important developments in the elaboration of our constitutional law that have taken place within the last four years are adequately represented in the second edition of Noel T. Dowling's *Cases on Constitutional Law* (Foundation Press, pp. 1248, $6.50), which brings up to date a competent casebook first appearing in 1937. The growing importance of administrative law is recognized by the addition of two new chapters, one dealing with the separation and delegation of powers, and the other with the powers of the President. A wider variety of cases dealing with the powers of Congress is also given. Cases are included to illustrate the outstanding changes in the interpretation of the commerce and due process clauses and in the law of citizenship and citizenship rights. Many of the leading decisions that have attracted wide attention, such as the cases of O'Keefe, Darby, Gobitis, Classic, McCanless, Palko, and Berwind-White, are included in this edition. The useful notes and bibliographical references have been lengthened or revised to include many other recent citations. This casebook should find wide acceptance as the basic text in courses in constitutional law.—DAVID FELLMAN.

In *Your Foreign Policy, How, What, and Why* (The Viking Press, pp. 280, $2.75), Robert Aura Smith has written for the average reader a nontechnical account of our foreign policy and what makes it operate. Part II, describing the machinery of policy, contains many references to the present personnel of the State Department and Foreign Service. Part III, "The Substance of Policy," has chapters on "Respect for the Treaty Structure," "No Entangling Alliances," and "Non-Aggression" in which the author rejects the contention that we resist aggression merely because we are rich. He maintains that our respect for treaties is deep-seated, and

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that our attachment to the Open Door policy is not recent nor confined to China. On the contrary, we have always insisted on equality of opportunity wherever it was infringed. The book ends on the hopeful note that our present disunity in foreign policy is only the democratic process in operation and that "when judgment is reached and policy arrived at after free discussion, it will have been formed as a basis broad enough to bring in the largest part of the opposition." An appendix contains ten basic documents dealing with the Far East, the Monroe Doctrine, and Latin America.—D. F. FLEMING.

Discrimination against Negro workers is characteristic of the federal service, with the result that few Negroes are found in the classified service outside of custodial and sub-clerical positions. That is the conclusion reached by Lawrence J. W. Hayes in *The Negro Federal Government Worker* (Howard University Studies, Vol. III, No. 1, pp. 155), after he had surveyed the classification status of Negroes in government departments and agencies at Washington. The author contends that existing civil service regulations provide too many opportunities for racial discrimination. Since the book was written, the use of photographs on civil service applications has been discontinued, and the President has directed federal departments and agencies to refrain from discriminating against Negroes. But Mr. Hayes would go further. He would have the rule of three changed to a rule of one; he would have laws and regulations to prohibit discrimination; and he would have certain high administrative positions reserved for Negroes. In his concern over the establishment of opportunities for Negroes, the author apparently did not consider the effect of a mechanical personnel system upon administrative responsibility, morale, and efficiency in situations where race is not a factor.—EDWIN O. STENE.

In *Federal Aid and Public Assistance in Illinois* (University of Chicago Press, pp. xv, 259, planographed, paper bound, $1.50), Professor Arthur P. Miles, assesses the significance of federal grants-in-aid to Illinois for unemployment relief and public assistance for the period, July, 1932, to November 1, 1939. He presents a factual, critical analysis of the coöperative endeavor of the federal and one state government to raise and administer funds for relief and assistance for the needy. The study focuses on distribution of federal aid by several federal agencies from R. F. C. to W. P. A. and Social Security Board, and on the impact of federal aid upon state and local welfare administration. It also presents examples of disturbances to state tax structures resulting from financing such programs. The matched-fund distribution in the Illinois case was shown not to be coincidental with what would have resulted from use of the equalization principle of distribution. The game-of-poker practices engaged in between some federal and state officials in the allotting of federal grants-in-aid

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should serve as a challenge to those who would use this method as one for curing the evils of decentralization. Similar studies in other states should be valuable.—H. C. Cook.

The position of the publicly supported library in the several levels of government is discussed in *Public Administration and the Library* (University of Chicago Press, pp. 313, $3.00), by Arnold Miles and Lowell Martin. While the volume includes a discussion of state library functions and agencies and the relation of government to library extension, the greater part is devoted to the problems that arise in the management of public libraries in cities. The book is not a manual of technical practice, but views the library as an integral part of community government. It contains a judicious and well balanced discussion of two phases of library administration on which there have been wide differences of opinion, namely, the relation of the library to the public school system and the advantages and disadvantages of the board form of library government. An excellent chapter on library finance discusses the budgetary problem in all its aspects, with emphasis upon the fact that "library revenue is a question which cannot be considered except as part of the whole problem of public finance"; a fact which heads of specialized services are too likely to overlook. The book is well documented and indexed, and contains a good topical bibliography.—L. F. Schmeckebier.

In *America's Own Refugees; Four Million Citizens on the March* (Princeton University Press, pp. 305, $3.00), Henry Hile Collins, Jr., poignantly describes America's migrants, the four million persons who, because of the last war, and the depression, are seeking relief from unemployment. The author, as coördinator of field hearings for the Tolan Committee of the House of Representatives Investigating the Interstate Migration of Destitute Citizens uses facts which "have their source in expert testimony presented to, or in the final report of this committee." The many case histories which constitute more than half of the book dramatically emphasize that "the defense of the United States and of democracy can be no more wisely strengthened than by the repatriation to American society of 4,000,000 able citizens, hewers of wood and drawers of water, who today are strangers within their own gates, but who tomorrow need no longer be numbered among the weary and the outcast and the heavy-laden" (p. 305).—Mona Fletcher.

The 1941 revision of *Municipal Accounting Statements* by the National Committee on Municipal Accounting (Chicago: Municipal Officers Association, pp. 206, $2.00) reflects the experience of many cities which have followed the schedules and principles set forth in the first edition in 1936. Part I considers the preparation of municipal accounting statements,

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with an excellent, concise discussion of funds, budgeting, cash and accrual bases, classification, and the relationship of these matters to the accounting statements and the report. Part II presents the suggested forms for financial statements and for statistical tables. Part III is a discussion of each fund and its statements. This, with the material in Part I, constitutes perhaps the best brief practical text on municipal government accounting principles and desirable practices. A weakness of the first edition has been remedied by suggesting forms for interim statements, as well as those appropriate for the end of the fiscal period. Some work still needs to be done with utility funds to reconcile the recommended commercial accounting practices with budgetary procedure and accounting which is required in some cities. Additional sections on municipal accounting terminology and standard procedures round out the volume, which may well be used as a "bible" by municipal accountants.—C. C. LUDWIG.

In *The Use Tax; Its History, Administration, and Economic Effects* (Chicago: Public Administration Service, Publication No. 78, pp. vi, 56, $1.50), Maurice Critz presents the first comprehensive treatment of this necessary adjunct of the sales tax. The use tax is designed to obtain revenue from interstate transactions on which no sales tax could be collected. It thus discourages evasion and protects local merchants. Sales tax administrators are interested in the use tax because of the growing importance of state sales taxes and the necessity of preserving them as a source of revenue. Although of little significance before 1934, sales taxes are now levied by half of the states, and produce more than eleven per cent of all state tax revenues. Use taxes are in force in eighteen states and yield $9,000,000 in revenue. Mr. Critz's study includes shifting and incidence of the use tax as well as its administrative and legal problems. Carefully prepared tables set forth exemptions from use taxes, references to original statutes, administrative agencies, and cost of administration. The result is a concise factual analysis in pamphlet form, helpful to teachers and students as well as to tax administrators.—E. W. CARTER.

Sara Louise Buchanan's *The Legal Status of Women in the United States of America* (Government Printing Office, pp. xiii, 89, $0.15) is a bulletin (No. 157) of the Women's Bureau of the Department of Labor. It presents a general summary, for popular use, of surveys previously issued separately for each of the forty-eight states and the District of Columbia on the legal and political status of American women as of January 1, 1938. The comprehensive study was originally undertaken at the request of the League of Nations. The bulletin summarizes not only the findings under thirty-two topics for the United States as a whole but also the outstanding differences in the legal status of American men and women. The student who is interested in more than a superficial knowledge of the subject-

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matter surveyed should use the bulletin collaterally with the separate state abstracts (bulletins 157-1 to 157-49).—Luella Gettys.

FOREIGN GOVERNMENT AND POLITICS

The author of *Education for Death; The Making of the Nazi* (Oxford University Press, pp. 208, $2.00), Dr. Gregor Ziemer, is a native American who spent many years in Germany as a newspaper correspondent and as director of the American Colony School in Berlin. In this volume he describes how Nazi educational theories, officially and exhaustively expounded by the German Minister of Culture in *Erziehung und Unterricht*, an official manual published in 1938, actually apply in practice. With the special permission of the Minister himself, Bernard Rust, he was given an opportunity to visit various types of Nazi schools, observe the methods of instruction, and talk with instructors and pupils. Lucidly and vividly, he describes the scenes that he saw: a sterilization clinic for women where the "educational" process begins before birth; a state home for unmarried, expectant mothers where girls are disabused of any qualms they may have regarding the glory of bearing state children; a Hitler Chamber where the insane and other "undesirables" are scientifically disposed of; an initiation ceremony for youngsters proceeding up the ladder of the Hitler Youth organization; classes in the teaching of history, eugenics, and science; schools for training leaders; and various other types of Nazi educational institutions. For the average reader, this volume makes clearer the implications of Nazi philosophy than many another weightier tome. Most students of the subject will agree that the scenes depicted, dramatic and shocking as they are, in no sense distort the general picture. They indicate that the destruction of Hitlerism is more than a military problem. It is a problem of reconstructing the mental attitudes of millions of people who, during the most impressionable period of their lives, have been subjected to a type of psychological pressure that will leave its effects for decades to come. In his concluding chapter, Dr. Ziemer raises a series of questions which every believer in democracy would do well to ponder.—Harwood L. Childs.

The path of modern history, according to the Austrian poet Grillparzer, leads from humanity, through nationality, to bestiality. It seems that we have advanced to the third stage by now. Richard W. Tims' *Germanizing Prussian Poland* (Columbia University Press, pp. 312, $4.25) deals with a phase which is approximately in the middle between the second and the third of the named stages. No chapter in the history of ideologies and their practical realization is more exciting than that of the transformation of early humanitarian nationalism, ally of democratic liberalism, into integral nationalism, basis of expansion and suppression of alien nationalities.

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In German pre-World War policies *vis-à-vis* the Polish minority in Prussia's Eastern provinces, an important rôle was played by the German Eastern Marches Association (or H-K-T Society, from the initials of the three founders' names), a nationalistic pressure group and propaganda organization which tried to influence German public opinion and policies concerning the *Ostmarken* in much the same manner as did the contemporaneous Naval League in naval affairs, or the Pan-German League with respect to German imperialism in general. A wealth of material, gained from newspapers, German and Polish language publications, and similar sources, enables the author to give a very thorough and readable account of the *Verein's* history, structure, and activities, important for the historian of German-Polish relations as well as the political scientist interested in nationality problems and public opinion management. Tims' conclusion is that the *Verein* was not very successful as a pressure group, Junker agrarianism preventing its more radical proposals from being carried into effect, while less radical ones were adopted anyhow by the government. Its chief success was in "awakening" German public opinion to the "danger" threatening Germandom in the East. Even so, and taking the whole unfortunate German policy of "assimilation" of foreign nationalities into account, how striking is the difference between an era when integral nationalism was still hampered by a system with parties, expression of various opinions, and even a "rule of law," and one where all such bounds have disappeared! It is the difference between the methods of traditional imperialism and those of totalitarianism, between discrimination and physical extermination. But this book likewise shows how much in tendency and doctrine of earlier German nationalism already pointed toward an even uglier future.—JOHN H. HERZ.

Paul H. Norgren's *The Swedish Collective Bargaining System* (Harvard University Press, pp. xv, 339, $3.50) will be particularly welcome at a time when the spread of collective bargaining has become one of the major social developments affecting the American economic organization. Foreign experiences will be studied, therefore, not only for their own sake, but also as guides to domestic action and policy. Dr. Norgren is well aware of that, as evidenced by one of the concluding chapters of the book in which he discusses the value of the Swedish experiences for the American economic scene. His conclusion is that while many divergencies will, of course, be necessary on account of different circumstances, an "intelligent adaptation" of certain Swedish processes may assist the evolution of institutional arrangements in the United States. The book is a very thorough account of the rise of the Swedish labor organization as well as of organizations of employers, culminating in wage agreements between the two. A history of collective bargaining in Sweden is followed by a survey of the contents of

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the agreements and by a discussion of bargaining methods and of agreement-making techniques. The importance of the cost of living as determinant of wages is appraised in a special chapter, but otherwise what could be termed "the economics of collective bargaining" is left in the dark. This is very regrettable, as questions such as the effects of collective bargaining upon wage elasticity in the business cycle are among the most important economic issues connected with this subject. Sweden's experience certainly provides much material in this matter, and it is to be hoped that another study will in time be written to supplement the one now under review. The chapters on the rôle of the government as mediator, on collective bargaining legislation, and on labor courts will be of particularly great interest to the American reader. Altogether, the book under review is scholarly and sound.—MICHAEL A. HEILPERIN.

The new flood of literature on Latin America runs the gamut from superficial accounts in "journalese," written for him who runs, to scholarly monographic studies produced obviously for a narrow circle of specialists. One is indeed fortunate if, in between these extremes, he can find two other approaches used and used well: in the first place, "tool books" dealing with Latin America and, second, broad treatments which inspire the confidence which one instinctively places in the discussions of an authority. In the second edition of Percy Alvin Martin's *Who's Who in Latin America* (Stanford University Press, pp. xxxii, 558, $5.50), a tool of the greatest utility for those interested in any contemporary phase of the Latin-American field has been produced. The name of Professor Martin, for more than thirty years a member of the history department at Stanford University, is too well known to require any proof of the editor's equipment for bringing out a book of this sort. Those familiar with the first edition of this work, published in 1935, would naturally anticipate an improvement over even that excellent biographical dictionary. They will not be disappointed. The new edition contains approximately 1,550 biographical sketches, almost 500 more than appeared in the first edition. There are still some disappointing omissions, but their number and subjects are unimportant in comparison with the hundreds of prominent Latin Americans included in the volume. The usefulness of the book is enhanced by inclusion of a geographical index by countries. In his *Latin America; A Descriptive Survey* (E. P. Dutton Co., pp. 378, $3.75), Dr. William Lytle Schurz has written a volume which at the same time presents the broad point of view and invites confidence in its essential accuracy and soundness. The seven sections of the book deal with as many approaches to a description of Latin America, viz., the geographic, historic, ethnic, political, economic, international, and social. The very breadth of treatment leads to occasional loose or poorly supported state-

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ments, but the volume is sound withal, and based on a wide experience—something which several of the journalists who have gone down for a few weeks and then dashed off a book cannot claim to possess. The author's discussion of government includes a good analysis of the various sorts of dictators to be found in the twenty republics. The portion dealing with international relations is similarly stimulating, although better proportions would have been obtained if more space had been given to intra-Latin-American relations. The book should find a ready acceptance among those who want a broad view, soundness of treatment, and readability.—RUSSELL H. FITZGIBBON.

J. H. Hexter's *The Reign of King Pym* (Harvard University Press, pp. 245, $2.75) is a study dealing with the few crowded years of Pym's leadership in the struggle against royal despotism. It adds nothing to the interpretation of Pym's career made by other students of parliamentary history, but it emphasizes the fact that Pym was a moderate rather than a firebrand in his attitude toward the king. He was able to make his policies prevail by dominating the middle group of members who were numerous enough usually to determine the fate of any proposition offered by the two extremes of pacifists and radicals. It was because of Pym's political artistry that he was able to make his statesmanship effective. The account of his skill in handling a legislature which had to face a crisis with none of the cohesion provided by clear party lines or discipline is probably that feature of the story most interesting to a political scientist. This little book is an example of first-rate historical writing. The style is lively and the story is handled in a uniformly interesting manner. Like the others in the Harvard Historical Studies, the book is well designed and indexed.—MORLEY AYEARST.

INTERNATIONAL LAW AND RELATIONS

If Sumner Welles is more prescient than Winston Churchill, two recent monographs will be highly pertinent to the post-war conference dealing with mutual, rather than unilateral, reduction of armaments. An authoritative description of *The World Armaments Race, 1919–1939* (Geneva Research Centre, *Geneva Studies*, Vol. XII, No. 1 July, 1941, pp. 129) is given by N. M. Sloutzki, who was a member of the Disarmament Section of the League from 1922 to 1940, editing the year-books on armaments and arms trade. Chief attention is given to the European Great Powers, which (headed by Germany and Russia) were the foremost contestants in the race. The author's analysis includes a discussion of the problem of deriving comparable statistics, national defense expenditures, arms traffic, and (more briefly) land effectives and naval strength. One may question Mr. Sloutzki's conclusion that it was the Disarmament Conference—unaided by the depression—that produced the 1932–34 halt in the arms

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race; but its failure definitely accelerated the tempo. Sloutzki believes that the next effort must immediately follow the war if it is to succeed. But are techniques available for prompt application? To this question, Marion W. Boggs gives an affirmative answer in his *Attempts to Define and Limit "Aggressive" Armament in Diplomacy and Strategy* (Columbia: University of Missouri Studies, Vol. XVI (1941), No. 1, pp. 113). Mr. Boggs analyzes the military theorists as well as the diplomats, but devotes most of his space to a remarkably lucid exposition of the discussion of "qualitative disarmament" at Geneva, 1932–35. *Blitzkrieg* is waged with the weapons characterized at Geneva as "aggressive": tanks, heavy mobile artillery, and military aircraft. Complete abolition of these weapons, and such naval types as the capital ship, aircraft carrier, and submarine, would not render war impossible; but even some military theorists agree that it would discourage aggression and at least postpone hostilities so that other mechanisms of control could come into operation. However, Boggs concludes, the technical measures arising out of the past two decades of international disarmament discussion are meaningless without a "political organization which strives to eliminate the reasons for attack."—H. SCHUYLER FOSTER, JR.

The Nazi attack on peaceful Norway seemed to many Americans the most despicable of the Nazi crimes, and was probably the principal factor in changing us from a rather complacent people to a people determined to see this world rid of Hitlerism, even at risk to ourselves. The story of that attack is remarkably well told in Halvdan Koht's *Norway: Neutral and Invaded* (Macmillan Co., pp. 253, $2.50). Koht was Norway's foreign minister at the time; he was therefore responsible for the policies that preceded the invasion and closer than any other Norwegian to the political and diplomatic moves associated with it. But Koht is also an historian, and it is as an historian, rather than as the Norwegian foreign minister, that he writes this book. He is meticulously accurate in presenting the record, painstakingly careful, almost detached, in his analysis of events and even of German statements and claims. Although small, the book covers the entire course of Norwegian relationship to the war, from the development of the policy of neutrality and the numerous problems that arose from its application, through the German invasion and occupation, to the carrying on of the war by the Norwegian government in exile. It is literally packed with pertinent material, some of it new, some of it adding details to what was already known in general, all of it giving a clear and thoroughly readable account of the entire course of events. Koht contributes a good deal, for example, to our knowledge of the Scandinavian and Allied policies with respect to the first Russo-Finnish War, and it must be said that the British and French come out rather better than the Scandinavians, who were,

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however, confronted even then by the most sinister threats from the Germans. He shows that while prominent and respectable Norwegians were willing to negotiate with the Germans in respect to a temporary government during the occupation, virtually none would even negotiate on the basis of a Quisling or puppet government when that German intention became clear. He makes it plain that there was a considerable difference between the German and the British violations of Norwegian neutrality, the German violations being continuous, flagrant, involving heavy losses of life and property, and always lied about, while the British violations were only occasional, usually under special provocation, and always with apologies, special care for Norwegian rights and interests, and due indemnity. It is particularly significant that Koht, largely responsible for Norwegian neutrality, explains that policy, but, in the light of later events, makes no serious effort to justify it, and certainly had compunctions about it—so much so that when he telephoned the British minister in Oslo about the Nazi invasion, it was with considerable embarrassment and "conscious that Norway could not appeal to Great Britain and France for assistance" although convinced that the aid would nevertheless come. It is very much to Koht's credit that neither does he complain about the Allied aid that did come, even though it was insufficient to save Norway from the Nazi occupation.—CLARENCE A. BERDAHL.

In the preparation of his book entitled *The United States and the Independence of Latin America, 1800–1830* (Johns Hopkins Press, pp. xx, 603, $3.75), Arthur P. Whitaker consulted not only printed sources but also a variety of manuscripts. He has thrown new light on certain phases of our early Latin-American relations, such as the attitude of the United States toward the revolution in Spanish America, and has stressed some topics, such as the rôle of the American navy, to which little attention has hitherto been paid. At times, he even seems to stray from his theme, as in the chapter entitled "Tempest over Panama." Interspersed with the presentation of facts are frequent commentaries. Perhaps the most important feature of the volume is the emphasis laid upon the rôle of James Monroe in the formation of the Latin-American policy of the United States and the tendency to minimize the part played by the virile John Quincy Adams. Instead of a formal bibliography, the study contains a bibliographical note which pays special attention to recent publications. The brief general index is supplemented by a list of authors which includes the names of those writers or translators of works whose writings are mentioned in the book. All in all, this readable volume is the most comprehensive study yet made of the early diplomatic relations of the United States with her Southern neighbors.—WILLIAM SPENCE ROBERTSON.

Another volume in the Internatonal Research Series of the Institute of

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Pacific Relations is Kenneth Perry Landon's *The Chinese in Thailand* (Oxford University Press, pp. xi, 310, $2.50). As a study of one important Chinese minority in southern Asia, it is a welcome addition to the literature on a region increasingly important in world affairs, on minority problems, and on the millennia-old southward march of the Chinese. Six of the book's twelve chapters are devoted to the historical background and contemporary social position of the Chinese community in Thailand: history, status, family life, health, religion, and trade. The remaining chapters deal with Thailand's new government and the anti-Chinese measures taken through the control of immigration, industry, education, and politics. The chapters do not attain a uniform level of excellence: it is the latter half of the book that constitutes the author's signal contribution and makes his work a "must" for students of the Far East. But a plea might be made for more careful editing in a future edition. It is not mere captiousness which stumbles over inconsistencies in spelling Chinese names, the monotonous use of "the writer," and excessive reliance on quotations for data properly belonging in the text.—JAMES T. WATKINS, IV.

In *French Interests and Policies in the Far East* (Institute of Pacific Relations, Inquiry Series, pp. 209, $2.00), three studies are presented. In the first, Roger Lévy, Chargé de Cours École Nationale de la France d'Outremer, discusses "A Century of French Far Eastern Affairs." This is a brief but effective review, written in 1938. In the second, M. Guy Lacam, formerly director of the Economic Department of the Bank of Indo-China, presents an authoritative statement of "The Economic Relations of Indo-China with Southern China." It is perhaps unfortunate that only an "abridged" version of M. Lacam's report is printed, with no indication as to the nature or extent of the omissions. This abbreviated essay, however, is notable as the interpretation of an able French financier and imperialist. In the third study, Andrew Roth, formerly a member of the International Secretariat of the Institute of Pacific Relations, presents a brief factual narrative of "French Indo-China in Transition, 1938–1941." This survey brings the story down to March and the signing of the Franco-Thailand treaty. The study is one of the most effective contemporary accounts in the present I. P. R. series.—PAUL H. CLYDE.

The hostilities in the Pacific have enhanced the pertinence of Arthur N. Holcombe's valuable contribution (No. 4) to the "America Looks Ahead" pamphlet series: *Dependent Areas in the Post-War World* (World Peace Foundation, pp. 108, $0.50 cloth). Professor Holcombe sagely assesses the significance of colonial areas and distils the wisdom from more extensive surveys of the governance of dependencies. The author rejects Axis plans for regional empires, and shares the unwillingness of the American public to undertake to curb colonial rivalry by balance-of-power tactics. Rather

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he recommends an improved mandate system, and notes its substantial adoption by the United States and other American republics in the Convention of Havana (which is appended, together with the mandate for Ruanda-Urundi). Of the three categories of dependent areas, the mandate system would fully govern those whose future status is undetermined, and exercise supervision over those marked for independence, or for ultimate integration into the mother country. Commercial equality and educational facilities would be assured by arming the authority with investigative power. For Malaya, Indo-China, and the East Indies, Holcombe proposes genuinely international administration, the personnel being freely selected as in the Chinese maritime customs and postal services. These proposals seem most promising.—H. SCHUYLER FOSTER, JR.

POLITICAL THEORY AND MISCELLANEOUS

War-time and defense-time create social problems of their own. These are not always peculiar and individual to the various belligerents and neutrals. Some of them are common. Others, if not common, nevertheless present striking similarities. Furthermore, many of the social problems of the present wars have certain qualities in common with those of the earlier World War, and an historical perspective is needed if the problems which now confront the nations of the world are to be adequately understood. Anyone who takes an interest in the economic and political consequences of war and defense will find of value a collection of essays published by the International Labor Office, *Studies in War Economics* (Montreal: Studies and Reports, Series B, No. 33, pp. 199, $1.00). To this collection, E. F. Penrose contributes a succinct essay on the economic organization required to fight a total war. One hesitates to criticize such a well-designed essay, because space limitation obviously demanded a suggestive rather than a comprehensive treatment of the subject. It might be said, however, that the treatment is of immediate effects rather than of further effects. To cite an instance: the more or less permanent dislocations due to the development of substitute materials—such as plastics—which have been intensified by the scarcity of metals is not referred to. The essay by E. J. Riches on the Keynes' scheme for paying for the war is succinct and clear. The second essay of Mr. Riches, on "Relative Wages in War-Time" shows what a debt we owe the social and economic history of the first World War produced under the auspices of the Carnegie Endowment for International Peace. As this essay is based largely on the Carnegie studies, the United States comes in for very scanty treatment. Otherwise, the essay is an admirably clear and concise statement. The essay on "Control of Food Prices," by A. S. J. Baster, is illuminating and well done. The essay on "The Place of Housing Policy," by C. M. Wright, suffers from the lack of any discussion of housing problems in the first World War, but (from the

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standpoint of an American) has the advantage of an extended treatment of the housing problem of the United States under our present defense program. The essay of Edith T. Denhardt on "The Effect of War on the Relative Importance of Producing Centres, with Special Reference to the Textile Industry" is not only excellent in itself but serves to emphasize the continuity of the I. L. O.'s interest in the textile industry, an interest which should have significant results when the present war is over. While these essays are economic in their treatment, political implications emerge from them, indicating how political institutions are shaped and modified to the demands of war and to the economic and social conditions created by war. As nations gird themselves for war, their governments are inclined to consider their problems in a fragmentary and inconclusive manner, so that vast inequities are visited upon populations involved in war effort. Various factors should help to prevent these inequities in the present conflicts, and among these will be such over-all studies as these of the International Labor Office.—SMITH SIMPSON.

In *A Practical Manual of Martial Law* (Military Service Publishing Co., pp. x, 184, $2.00), Major Frederick Bernays Wiener has been completely successful in his purpose: "to state the law—what can be done, what cannot be done, where the doubtful areas lie—with just enough of the underlying doctrine to clarify the results, and to show the reasons for the decisions." Out of an ambiguous mass of authorities he extracts the principles which actually apply to the domestic use of military power during war or insurrection. Federal decisions antedating 1866, and state decisions until a decade or so thereafter, are to be used "with extreme caution." There have been other commentators on this subject who have attained seeming clarity by disregarding the decisions with which they disagreed; but this work differs from theirs, *inter alia*, in that it is written by a lawyer of outstanding competence and that the conclusions are sound and rigorously accurate. (Before being ordered to active duty in the present emergency, Major Wiener was a special assistant to the Attorney-General, and had given close attention to the matters with which the manual deals.)[1] While the rationale by which all exercise of martial law must be justified is the same —that the act reasonably appeared necessary for the public defense during an emergency—the factual situations generally fall into one of two patterns: the use of troops (ordinarily of the state) in time of local disorder

[1] He appeared for the Government in United States v. Phillips (1940), 33 F. Supp. 261, D.C.N.D. Okla., where the governor of Oklahoma was enjoined from interfering—by measures of "martial law"—with the operations of the United States. Cf. Phillips v. United States (1941), 312 U.S. 246. He is also the author of "The Militia Clause of the Constitution" in *Harvard Law Review*, Vol. 54, p. 181 (1940).

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(usually incident to industrial conflict), and the control exercised in time of war by federal forces over the civil population of threatened areas. As to the former, the author enjoins great restraint in the light of the judgment in Sterling v. Constantin, 287 U.S. 378 (1932)—pointing out that numerous exuberant decisions of inferior courts were therein inferentially condemned, while the courts of some states may take a view still more restrained than that of the federal Supreme Court. As to the position in time of war, the narrow doctrine of *Ex parte* Milligan, 4 Wall. 2 (1866), is to be limited by the facts of that case: where the danger of invasion is really imminent, "it may well be doubted if the decision would apply." On every point, the manual is an eminently judicious guide and for officers administering martial law an invaluable *vade mecum*.—CHARLES FAIRMAN.

The Second Yearbook of Research and Statistical Methodology Books and Reviews (Highland Park, New Jersey: The Cryphon Press, pp. xii, 384, $5.00), edited by Oscar Krisen Buros, is the secone volume of a very useful compilation for those interested in keeping up to date regarding advances in statistics as shown by books published since 1933. The reviews of some three hundred and fifty-nine books have been collected, edited, and classified. While nine political science journals are listed as coöperating, only three political science titles are listed in the index. Of course, there are titles under business, education, and history which would be of interest to political scientists, but the small number under political science itself is rather significant. The number would have been larger if the compilation had included books on applied statistics, many of which contain important contributions to methodology. In the preface, Buros makes three proposals which are worth mentioning. He states: "If the *Second Yearbook* is well received, foreign-language books will probably be included in the next yearbook." A second proposal is a non-critical abstract of the periodical literature on research and statistical methodology published in the English language. And the third proposal is the publication of original criticisms of articles in the periodical literature. The first of these proposals should be heartily supported. The other proposals bring up some of the same problems which were thrashed out in connection with *Social Science Abstracts*. If the overhead is not made too costly, it is the opinion of the reviewer that this is a good program.—HAROLD F. GOSNELL.

Twelve Who Ruled (Princeton University Press, pp. 417, $3.75), by R. R. Palmer, is the none too revealing title of an excellent book on the administration of France by the great Committee of Public Safety. Upon finding out the subject, one wonders at first what can be said about it that will be new. A reading of the book, however, reveals that the author has made the members of the Committee living characters and the events of the period

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real occurrences. He shows his mastery of the material by a wealth of detail and by his evident knowledge of the interrelation and the significance of facts. Some of the most valuable chapters are those upon the "Twelve Terrorists," the Terror in four representative sections of France, and "Dictated Economy." The Republican calendar for the year 1793, the illustrations, the excellent bibliography, and a good index add to the value of the book.—C. P. HIGBY.

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RECENT PUBLICATIONS OF POLITICAL INTEREST
BOOKS AND PERIODICALS

CLYDE F. SNIDER
University of Illinois

AMERICAN GOVERNMENT AND PUBLIC LAW

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